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SIR JOHN ELIOT.

VOL. II.



LONDON  
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NEW-STREET SQUARE



SIR JOHN ELLIOT

*Painted a few days before his death in the Tower*

A D 1632



*Engraved by P. Hell, from an original painting at Lord Elliot*

my lodgings are removed & I am  
now where I doubt light may be  
good but farrow fire.

*Quoted to Hampden from the "Tower" by L. Jones*

London: Printed by

# SIR JOHN ELIOT:

## *A BIOGRAPHY.*

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BY JOHN FORSTER.

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*Notes.* Eliot's money arrangements, 571. The Universities in ill moral repute, 572. Letter of Hampden's, 574. Misprintings of Mr. D'Iraeli, 575, 576, and 583. Bishop Hall against sending youths abroad, 583. Passports, 584. Mistake corrected, 587. Young John Eliot's handwriting, 593. Misprintings of Mr. D'Iraeli, 595 and 596. Eliot settling the trust of his estates, 598. A journey (in fancy) into the country, 600. Letter of Hampden's in the author's possession, 603.

§ III. FOUR STAUNCH FRIENDS . . . . . 604—630

*Text.* Hampden, Luke, Knightley, and Grenville, 604. Eliot's affection for Hampden, 605. Gives him news from the Tower, 606. The blind man and the crown jewels, 607. Hints as to ex-fellow prisoners, 608. A Don Quixote or wandering Jew, 609. Issue of the play, 610. The deer that broke the herd, 611. Eliot anxious for Hampden's opinion on his papers, 612. Hampden's value for Eliot's affection, 613. His criticism on the Monarchy of Man, 614. Eliot sends news to Hampden, 615. The enterprize in aid of Gustavus, 616. A strife in kindness and service, 617. Intercourse with Richard Knightley, 618. Correspondence with Sir Oliver Luke, 619. The Castlehaven case, 620. Omens and portents of evil days, 621. Commissions from Luke: selecting a horse, and getting copper from the mint, 622. Correspondence with Bevil Grenville, 623. Message to the Lady Grace, 624. Interception of Grenville's letters, 625. A constitutional question raised, 626. Remarkable letter to Grenville, 627. Grenville's help (against the judges) asked in a lawsuit, 628. Eliot's fair mare and her colts, 629. Neighbours of the west, 630.

*Notes.* Laud welcomes a new defender of the faith, 606. Eliot's description of term-time, 610. Hobart's surrender, 611. Mr. D'IIsraeli's misprints, 612, 613, and 617. Trial and sentence of Lord Audley, 612. Proposed wager of battle, 615. Infamy and crime, 620. The Audley case, 622. Lord Hamilton's expedition, 623.

§ IV. HOME NEWS AND OTHER LETTERS . . . . . 630—653

*Text.* Eliot's general correspondence, 630. Moyle's letters soliciting favours, and Eliot's replies, 631. Introduces friend to Lord Essex, 632. Miscellaneous letters, 633. Disorders at St. Germans: Eliot to his bailiff and his steward, 634. Of his tenants and their leases, 635. As to Lord Robartes, 636. Letter to the Lady Lucy, 637. Upon matters in dispute at St. Germans, 638. Failure of loan in Cornwall, 639. How Mr. Scawen dealt with the loan-mongers, 640. Selden solicited for kindly services, 641. Favours asked for Valentine, 642. Kindnesses of Lord Warwick and Sir Walter Devereux, 643. Lord Lincoln's attentions, 644. Denzil Holles and Hampden, 645. Intercession with Hampden for Proctor Wyan, 646. A mystery not cleared up, 647. A complaint from Sir Miles Hobart, 648. Eliot's lesson to him in temper and controversy, 649. A group of friends, 650. Honest sons of Lincolnshire, 651. Letters to and from Godfrey, 652. As to knighthood compositions, 653.

*Notes.* Misprintings by Mr. D'IIsraeli, 640. Sir Walter Devereux, 643. Book sent by Hampden, 646. Death of Hobart, 650. Valentine's second progress, 651.

§ V. THE MONARCHY OF MAN . . . . . 653—668

*Text.* Philosophical treatise by Eliot, 653. First completed tran-



script, 654. The MS sent to Mr. Hatcher, 655. Apologies, 656. Value of a friend's criticism, 657. Identification of the man with the philosophy, 658. The MS sent to Richard James, 659. Critical objections by James, 660. A graver objection, 661. Eliot replies thereto, 662. Preface, or appeal to the reader, 663. Object of the work described, 664. Divine truth in the ancient philosophy, 665. Lessons intended by Eliot for his countrymen, 666. Identity of the philosopher and the statesman, 667. Selden's opinion again desired, 668.

*Notes.* Extracts from letter by Mr. Hatcher, "honest Tom," 655. A visit to the Tower delayed, 656. Eliot's self-depreciation, 657. Remarks on James's critical objections, 660 and 661. Erasures, 663.

#### § VI. APPEAL TO A LATER TIME . . . . . 668—683

*Text.* A paper found in Eliot's prison, 668. An *Apology for Socrates* intended for himself, 669. Circumstances in which it was written, 670. Alleged offence in pleading to jurisdiction, 671. The Lycon, Melitus, and Anytus of the later Socrates, 672. A choice of dangers, 673. Judges of the old time, 674. Allusion to Hyde, Heath, and Finch, 675. The laws superior to the judges, 676. Obedience due to the higher power, 677. Confidence in right appreciation from a later age, 678. Distinction between being and seeming to be, 679. Pressure from associates and seeming friends, 680. Reply of accused to accusers, 681. Affecting appeal at the close, 682. When the answer was given, 683.

*Notes.* Selden and Long again before the judges, 669. Socrates and the English records, 674.

#### § VII. GLEAMS OF HOPE . . . . . 683—704

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*Notes.* Eliot to Godfrey, 686. Sends Luke personal and political news, 688. Sir Oliver's hieroglyphics, 690. Obstructions to writing, 692. Lincolnshire friends, 692. Death of Captain Waller, 694.

	PAGE
§ VIII. HARSHNESS, SILENCE, AND DEATH . . . . .	704—727

*Text.* Order of council restricting intercourse with Eliot, 704. Eliot describes to Hampden his closer imprisonment, 705. The same described to Luke, Knightley, and Grenville, 706, 707. Visits and letters of friends interdicted, 707. Letter from Grenville, 708. Luke strikes the note of danger, 709. Another removal to a darker lodging, 710. A spirit and temper unmoved, 711. No relaxation, 712. Last message to Bevil Grenville, 713. Sir William Courteney and Dick Eliot, 713. Thanks his Lincolnshire "doctors" for their prescriptions and anxiety about his health, 714. Last letters to Luke and Knightley, 715. Humorous sadness, 716. Last letters to Hampden, 717. His illness described, 718. His correspondence at an end, 719. A martyr-song of thankfulness and praise, 720. Prison doors finally closed, 721. Fruitless appeal for life to the judges, 723. His last characteristic action, 724. Portrait painted on the eve of death, 725. His requests to the king, 726. The king's last revenge, 727. Eliot's monument, 727.

*Notes.* Privy council register, humiliating entries, 704. Grenville's sacrifices for his friend, 705. Whimsical mistake by Mr. D'Israeli, 710. As to Long, and Mr. D'Israeli's misprints, 711. As to Selden and Valentine, 712. As to Eliot's intention to offer himself again for Cornwall, 712. Mr. D'Israeli's misprints, 713 and 715. Letter to Sir William Courteney, 713. Letter to Richard Knightley, 714. Mr. D'Israeli's misprints, 718, 719, 720, and 721. John Eliot made a vice-admiral by the council of state, 722. Money voted for his father's losses not paid, 723. Eliot's last portrait, 724. Responsibility for his death in prison, 726.

# CORRIGENDA.

PAGE	LINE	
1	last	<i>omit the attempt.</i>
21	17	<i>for Gallee read Sallee.</i>
58	6 note	It should perhaps have been said, that, though Laud himself did not license the sermons, it was his influence that compelled Bishop Mountaigne to do it. This appears on a later page.
58	6 note	"The metropolitan" ought to have been "the bishop of London." It is hardly an excuse, but the best I can offer, for these careless slips of the pen to say, that Laud, after his appointment to the see of London, practically exercised all the rights of metropolitan, power having passed from the archbishop.
391	22	
393	3 note	
102	22	<i>for Sir Nicholas read Sir Nathaniel.</i>
110	15	<i>place asterisk after Bagg.</i>
187	last	Sir Miles spoke in the second session.
210	10	<i>place asterisk after there and omit it in line 13.</i>
235	18	<i>for danger read peril.</i>
276	6	<i>for Sir Richard read Sir Reginald.</i>
336	18 note	<i>for his verses read the verses.</i>

THE LIFE  
OF  
SIR JOHN ELIOT.

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BOOK EIGHTH.

GOVERNMENT BY PREROGATIVE.

1626-1627 (8). ÆT. 36-38.

- I. Standing at Bay.*
- II. Story of the Fortune of Hamburg.*
- III. Last Acts in the Vice-Admiralty of Devon.*
- IV. Conspirators and their Victim.*
- V. The General Forced Loan.*
- VI. The Expedition to Rochelle.*
- VII. Eliot in the Gatehouse.*
- VIII. Elections to the Third Parliament.*

I. STANDING AT BAY.

HE wrath of the king and his minister at the course taken by Eliot in the second parliament exceeded all limit, and his ruin, at whatever hazard, was resolved upon. The examination to which the chief-justice and the attorney-general had been directed to subject him, the attempt thereby to connect him with foreign agents and enemies of the government, and the course or drift of the questions put to him, could have no other design than the attempt to

establish colourable or pretended grounds for depriving him of liberty, if not of life. Other measures had at the same time been taken against him. If upon political grounds his personal freedom could not be impeached, it might be struck at in another way; and for this a ready and handy instrument presented itself in Sir James Bagg. Inflamed more than ever against Eliot by his exposures in the matter of the St. Peter of Newhaven, and having assistance from his two kinsmen connected with the lord admiral, the Drakes of Ashe,\* father and son, who had a family spleen against Eliot, this man had for some time been collecting every sort of complaint he could meet with in the west, from persons affected by Eliot's transactions in his office; and upon these it was thought that sufficient base for proceeding might be found. Accordingly the first step taken was to require Eliot to hand in to the admiralty an account of his receipts and payments during the past three years, on the allegation that his returns had not been duly made. In any case it was determined to deprive him of his vice-admiralty; but the more important object was, if this should be found possible by means of suborned and false claims connected with its administration, to involve his private fortune and make a beggar of him.

With this view a series of proceedings now began, unexampled in the personal animosity that directed and guided them, in the rank and position of those who abetted them, in the inveteracy and rancour with which they were pursued, and in the artifices to which they descended. Those shameless artifices were not practised by the suborned or subordinate agents only. The king and Buckingham were as eager as the Drakes and Bagg. Nor is it to be observed without regret that such a man as Edward Nicholas, now secretary to the duke at

\* "An antient and gentile seat in the parish of Musbury, about a mile and three quarters to the south of Axminster, in the eastern confines of Devon." Prince's *Worthies*, 328. (Ed. 1810.)

the admiralty,\* who in yet more troubled times became principal secretary of state, and who has heretofore borne a fair and honest fame, should have lent himself to the scandalous persecution. But over all connected with him personally, the sway of Buckingham was paramount; and against Eliot, who, though still administering an office that should have carried allegiance to the lord-admiral, had yet dared to strike at him in the sacred places of his power, all modes of retaliation and revenge were to be accounted justifiable. Nicholas played his part, therefore, to the admiration of Bagge himself, who became thereon his "beloved friend."

It seemed an unequal struggle. On the one side all the resources of the state, set in motion by hands the most unscrupulous; with paid informers, interested witnesses, iniquitous courts, and judges obsequious to any hint from authority. On the other side a man, though of heroic spirit, supported solely by the integrity of his public purpose and the justice of his private cause; but not more resolute to defend the rights of his countrymen than to maintain his own, and with a courage that rose only higher, and with more dauntless front, at the accumulation of forces against him. Perhaps the contest, after all, will be less unequal than it seemed.

A few days after Eliot's first speech in the house, Buckingham had both Nicholas and his proctor, Richard Wyan, to the council-table, to depose to matters concerning the vice-admiralty of Eliot, who had then handed in the account demanded. It is difficult to understand the case exactly; but the questions raised on that occasion bore reference to claims made by Eliot to his half share in certain captures, which Buckingham on the other hand alleged as taken by

\* Sixteen years later, secretary of state. I have given various notices of him in my *Grand Remonstrance* and *Arrest of the Five Members*. His devotion to the duke his master, and the eagerness of his desire to screen him, were strikingly shown throughout the business of the Rochelle ships.

chace, being at the time flying from the king's fleet, and therefore royal prize not subject to the drawback of Eliot's claim. Mr. proctor Wyan was to institute proceedings accordingly in the admiralty-court, which would involve exceptions to those and other portions of Eliot's account, and was to give notice of his doing so on a particular day. But not receiving his instructions as expected, he wrote on the 16th of March to Nicholas. "Good Sir, As yet I have no directions  
 "about Sir John Eliot, although by my letters and  
 "otherwise I have certified you this to be the day." He reminds him further of what my lord duke had said on the day when they were together at the council-table, and says it will be very relevant if they can prove it; to which end he wishes instructions "where to  
 "have witnesses to prove it, which I doubt not but may  
 "easily be done if it be soe, soe many of the fleete  
 "being about the towne." \* The answer of Nicholas is prompt as to the objection to be made to Eliot's account, but avoids the "witnesses;" who, though a commodity never scarce at a pinch, do not appear to have been forthcoming for the special matter named. "S<sup>r</sup>," wrote Nicholas from Whitehall on the same day, "I pray excepte generally to the whole body of S<sup>r</sup> John  
 "Elliotte's account. And p<sup>t</sup>icularly for a bateinge of  
 "300*l* for Hyattes shipp; whereas my lo. gave only to  
 "S<sup>r</sup> Ed. S<sup>r</sup> Maure his grace's owne p<sup>t</sup> and no other  
 "man's: and for that he saith there was nothing re-  
 "ceived of a Frenchman for composi<sup>o</sup>n, and it wilbe  
 "proved he had 100*l*. Other excepti<sup>o</sup>ns there are,  
 "whereof we shall shortlie make good prooffe; and  
 "therefore I pray forbear to allowe of S<sup>r</sup> Jo. Elliotte's  
 "accounte untill you heare further from his grace, w<sup>ch</sup>

\* MS. S. P. O. Ric. Wyan "to the right worshipful Mr. Edward  
 "Nicholas, secretary to the Duke of Buckingham." Indorsed by  
 "Nicholas, "16th March, 1625-26, Mr. Wyan about Sir Jo. Elliot's  
 "account and my answere."

"shalbe as soone as conveintly may be. And foe I rest,  
"yō assured louinge friend, E. N." \*

Richard Wyan made his objections accordingly, in the general and particular; and in the particular was promptly answered by Eliot, who, with all due forms, by his proctor Mr. Williamson Wyan, Richard's brother, put in his denial of the duke's exceptions. It remains still in the state paper office.

In it is set forth the fact that George duke of Buckingham, in the year 1622 (this was the renewal, with larger powers, of Eliot's former patent), had by virtue of his office of lord high admiral appointed "the right worshipful Sir John Elliott, knight, vice admyrall for the countye of Devon;" that full powers were thereby granted him to feize all pirates' ships and goods within that district, its covenant being that one-half of the produce of their sale should be the lord-admiral's and the other half the vice-admiral's; that Sir John having so seized a ship called the *Joshua* worth a thousand pounds, one-half thereof belonged to himself; that he and his officers had nevertheless received a warrant from the Duke of Buckingham to hand her over to Sir Edward Seymour, which had been done accordingly, without any satisfaction for the vice-admiral's share; that Sir Edward now had the ship; and that the moiety thereof "did, and at this present doth, by virtue of his office aforesaid, belonge unto the said Sir John Elliott, vice admiral aforesaid." Further, this denial went on to say, in reference to a sum stated to have been received for some alleged composition with a Frenchman, that it was entirely a pretence, and that no such transaction had taken place. "The said Sir John Elliott neither hath nor doth charge himselfe with the sume of 100/, or anye other sume which by waye of composicōn for some profitte belonginge to the office of admiralty is pretended to bee receaved of some or

\* MS. S. P. O. I take this letter from Nicholas's original draft, written (in his dreadful scrawl) on the fly leaf of the letter it replies to.



"one Frenchman.  
 "hath not received  
 "anye other for or  
 "or by reason of tl  
 "is anye fume for t  
 "satisfied unto the fa  
 "on his behalfe."\*

That was Eliot's ;  
 the duke's friend, no  
 ship had been handed  
 lord-admiral's warrai  
 give his share, the wa  
 his order as to leave  
 his denial conveyed,  
 that of the Frenchma  
 account he had rende  
 many days after it ha  
 peared before the lo  
 duke's impeachment;  
 tunity of observing h  
 to be subdued by ar  
 secution. As little m  
 Raleigh himself by fi  
 ever in Eliot's fancy,  
 nefs his thoughts fo  
 the earth.

The decisiveness a  
 brought matters to a stand for a while. Parliament was  
 dissolved; and Sir John, returning to the west, resumed  
 the duties of his office as if neither Bagge nor Buck-  
 ingham existed. Clearly, if anything was to be done,  
 some fresh starting point must be chosen. Then it was  
 that Bagge appears to have made a suggestion, on which  
 the "commissioners for the duke's estate" sitting at  
 York-house on the 1st of July 1626, lost no time in

\* MS. at Port Eliot. Also in the S. P. O. bearing indorsement: "R.  
 "20 May 1626. S<sup>r</sup> Jo. Elliotte's denial of y<sup>e</sup> excepcions to his account."

improving ; and the draft of the memorandum made by them has happily been preserved.

This important paper runs thus. "The commissioners thinck the best way to bringe Sir John Elliott to accompte is to procure a commission out of the Admiralty court, directed to gent<sup>l</sup> of worth, spirit, and integrity, in the country *who are well affected to my lord*: such as are Sir Barnard Grenville, Sir George Chudley, Sir William Strowde, Sir James Bagge, Sir William Poole, John Moone (Mohun), Mr. Drake, and Mr. Kifte, esqs,\* or to any four or more of them. That Sir Henry Marten be advised w<sup>th</sup>, that the proceedings be ordinary and warranted by good precedent. That the nōiacōn of a commissioner or two be left to him. And that certen articles be annexed to the commission *wherein Sir James Bagge can give best direction, who hathe made a collection of sundry exceptions against Sir Jo: Elliott's accompte and some proceedings in his office of vice admiralty.*" The character of this proceeding sufficiently declares itself. There was to be a commission to settle matters in dispute between Eliot and the duke, of which the members were to be selected on the principle of being well affected to the duke ; with the addition that two of the number were to be nominees of the judge to whom in the last resort the decision of questions raised would have to be referred. Nicholas had too many of the instincts of an honourable man not to shrink from the first suggestion of anything so monstrous, and I find a marginal note made by him to the draft intimating the opinion that Sir John should name half the commission. This, as will be seen, was entirely overruled.

Another addition made, not in the hand of Nicholas, exhibits the desire of the duke himself too strongly not to convey its authorship with sufficient clearness. It is

\* Every one of these men was notorious for his subserviency to the duke, all of them, excepting Kifte, having shewn it unmistakeably during the proceedings of the parliament just brought to a close.

thrown out by way of query "Whether Sir John may not be sequestered in the meantyme;" and direction is given to search "for precedents."\* Nothing was so intolerable as that Eliot should act for another day as vice-admiral, after his conduct to the chief of the admiralty. On that point his own answer no doubt would have been, that the chief of the admiralty was under impeachment of offences against the state; and that as the office might be expected to survive the man, he was not bound to identify them. But the decision now taken was practically to refuse him all further opportunity of explanation or "denial." He was not to have even the questionable advantage of being heard after being struck. He was to be struck and not to be heard.

Vice-admiral of Devon he nevertheless for the present continued to be; and it will not be without interest to observe the effect, upon the plot and the plotters, of his characteristic determination still to act as if they were not in existence. One case is of sufficient importance to stand by itself. The others, requiring less ample notice, will follow; and the course taken by the commission above-named may then be succinctly traced, up to the very close and results of the conspiracy.

## II. STORY OF THE FORTUNE OF HAMBURGH.

The first case I shall take of Eliot's exercise of his authority after the dissolution in June 1626, will be found to exhibit not alone a series of proceedings directed against him of the most extraordinarily pertinacious and harassing description, but on his own part a discharge of his official duty so clear and above reproach that it proved stronger for the time than even his enemies. It is that of a ship called the *Fortune* of

\* M.S. S. P. O. The draft had been sent to "Mr. Nicholas, at Mr. Reymes, Haberdash", his house at the signe of the Gate neare Yorke "House or elsewhere."

Hamburgh; wherein the persecutions and trials to which he was exposed began immediately after the second parliament separated, and lasted till the very eve of the assembling of its successor.

The most fitting introduction to the story will be to quote the three warrants under Eliot's hand, each bearing his signature, which formed the ground of subsequent proceedings against him. The first is to this effect:

"S<sup>r</sup> John Eliot, knight, vice admirall of the county of Devon. To all  
"and singular, maiors, sheriffs, justices of the peace, constables, marshalls,  
"and other his Ma<sup>ty</sup>'s officers and loving subiects whatsoever, greetinge.  
"Forasmuch as Thomas Bowen, Richard Jordan, Sillius Beere, Richard  
"Bragge, and Rice ap Evan, w<sup>th</sup> others their associattes, Welchmē, did on  
"or aboute the moneth of Aprill pirattically surprize the shipp called the  
"Fortune of Hamborough, whereof John Martens was maister, then being  
"in the roade of Swansey; and, the sayd M<sup>r</sup> and most of his company then  
"on shoare, the sayd shipp did take and cary away, w<sup>th</sup> all her goodes,  
"m<sup>c</sup>handize, furniture, and p<sup>r</sup>visions, of the value of two thousand  
"poundes or upwards. These are therefore, in his Ma<sup>ty</sup>'s name, to  
"will and require you and ev<sup>ry</sup> of you to apprehend and take the bodies of  
"Thomas Bowen, Richard Jordan, Sillius Beere, Richard Bragge, and  
"Rice ap Evan w<sup>th</sup> their associattes, wheresoever they shalbe founde w<sup>th</sup>in  
"any your limittes or p<sup>r</sup>inctes, and them so taken or as many of them as may  
"be found p<sup>r</sup>esently to convey into his Ma<sup>ty</sup>'s gaol at the castle of Exon.  
"Whereof you may not fayle as you will answer the contrary. Geiven under  
"my hand and seale of office the xxvi<sup>th</sup> day of August, ano. dom. 1626.  
"J. ELIOT."

The second, dated the 18th of September 1626, is addressed with the same formalities to the mayors, sheriffs, justices of peace, constables, and marshals of the district, reciting the piratical capture as above, and proceeding thus:

"Nowe for as much as John Martens of hamborough, marriner, has  
"made due proffie as well for the propriety and intrest of the said shipp and  
"goodes that they doe truely belonge unto him and some others his part-  
"ners, as that he himselfe is, and was at the time when the said shipp was  
"soe taken away in the road of Mumbles, the master and skipper thereof  
"—these are therefore in his Ma<sup>ty</sup>'s name to will and require you and eu<sup>ry</sup>  
"of you whome it may concerne, to restore unto him the said John  
"Martens the peaceable possession thereof, and him quietly to suffer to  
"retaine and keepe the same, and to fayle and passe therew<sup>th</sup> out of any yo<sup>r</sup>  
"ports or harbouris unto such place or places as he shall thinke fitt, w<sup>th</sup>out  
"any molestacon, lett, or disturbance whatsoever. Whereof fayle you not  
"as you will answer the contrary."

The third, dated on the day following, is addressed to William Whittson and William Peters, and charges them, that

"Whereas you, whose names are here underwritten, have received certayne goodes lately landed out of a shipp of Hamborough called the Fortune, piratically taken by a company of Welchmen out of the Roade of Mombles and brought into the harbour of Barnstaple; and the sayd goodes do still remayne in your custody or possession, or have byn by you sold and the moneyes and p'venues arryving thereof are by you kept and detayned. These are now to will and require you and eyther of you, presently upon sight heareof, to redeliver the said goodes and every parte thereof, or the p'venues and moneyes arryving from their sales yf they haue byn disposed and sold, unto John Martens the m<sup>r</sup> and p<sup>te</sup> owner of the sayd shipp and goodes, to whom in right they doe belonge: he having therein made before me due prooffe of his p'priety and interest."\*

Upon these documents the story is a sufficiently intelligible one. A merchant ship having goods on board to the value of two thousand pounds is lying in Swansea roads, her master and some of the crew being ashore in Swansea, when she is taken by certain Welsh pirates, who carry her over the bar into Appuldercombe, removing and disposing of her cargo. This took place towards the end of April. Upon Eliot returning to the west, after the breaking up of parliament, the case comes before him. The master of the ship proves to his satisfaction that he was a trader of Hamburgh, and that the cargo as well as ship belonged to him and his partners; whereupon Eliot adjudges that the ship and goods be returned to him, directs that free passage and liberty of sale be allowed him in all ports and harbours, orders the arrest of the Welsh pirates, and issues his warrant for the restoration of such parts of the cargo as his officers had been able to trace. Nothing can possibly appear more simple or fair.

Not so, however, thought Mr. Drake and Sir James Bagg, under whose suggestions the case began soon to take a quite different aspect. The ship doubtless was a

\* These documents are all, under their several dates, preserved among the MSS. in the S. P. O.

Hamburgh ship, but it was admitted that her Hamburgh lading of timber had been sold, and that she had taken in a fresh lading at the Spanish Brazils ; and might it not be that she had then become an enemy's ship, and as such subject to capture for the king, which in point of fact the Welsh seamen had in view in their proceedings, and would have satisfactorily accomplished but for Eliot's interference? What the motive for such interposition could be, it was not for Bagg and Drake to suggest ; but the vice-admiral's extraordinary zeal on the captain's behalf seemed to render it likely that some interest or share in the restored ship and cargo had been conceded to him. At any rate, it was a case for enquiry. Whereupon, of course, Buckingham directed enquiry to be made ; and appears to have expressed a wish that Sir Edward Seymour, the hero of the " Joshua " dispute, and having a strong present interest in anything that might discredit Eliot, should be joined with Bagg and the elder Drake in the investigation.

On the 14th of October, Drake made report to Nicholas. " Worthy sir," he wrote, dating his letter from his house at Ashe in Devon, " I p'sently uppon the " receipt of my lordes lre went to Barnistable, and I " found Sir John Eliote's carriage to be strange, as I have " acquainted my lord by my lre. I sent not to Sir Edward " Seymour because I hard he was gone for London : " and Sir James Bagg was soe farre from me as it was " to Barnistable. The skipper wilbe up at London " about the latter end of the next weeke ; and if there " be a commission sent downe for the examining of the " rest, I thinke there wilbe some matter gathered out of " them. Howsoever, I am sure Sir John Eliot had no " warrant to discharg them as hee did ; and I thinke the " matter will fall foule againe him. I find the Maior " of Barnistaple that was the last yeare, and the rest of " the magistrates, are all for the flemmans and Sir John " Eliott ; and soe I could gett nothing except it be done

“ by oath. W<sup>ch</sup> must be, if the truth be hunted out.  
 “ And this leaving it to my lordes good consideracō in  
 “ haft doe rest yo<sup>r</sup> assured freind to dispose of, J. DRAKE.  
 “ I have sent you hereinlosed the exam. w<sup>ch</sup> I tooke of a  
 “ constable & of the m<sup>r</sup> & of the boy whoe could speake  
 “ English.” \*

Mr. Drake is here somewhat more frank to Mr. Nicholas than he will be found to be in writing to the duke. It is clear that his enquiry had been so far a failure that no matter was elicited from it prejudicial to Eliot ; and it seems an awkward circumstance that the mayor and the rest of the magistrates should all be in favour of the rebellious vice-admiral. Still, a commission might do wonders ; and Eliot's mode of carrying himself had been very strange ; and Mr. Drake has not at all lost hope but that the matter may fall foul against him.

On the same day he wrote to Buckingham. “ May it  
 “ please your grace,” he says, “ According to y<sup>r</sup> grace's  
 “ comaund I went to Barnstable, where I found the  
 “ shipp called the Fortune of Hamborough, w<sup>th</sup> the  
 “ master and some four or five of the mariners, but none  
 “ of the Welshmen. Soe as I could learne nothing, but  
 “ of one side. For, Sir John Eliot being there himselfe  
 “ some moneth since, made a mittimus to send the Welsh-  
 “ men all to the gaole, whereuppon they run away ; and  
 “ then made a warrant to the skipper for his departure,  
 “ requiring all his ma<sup>ties</sup> officers quietly to suffer him to  
 “ passe away ; although he hade no warrant to that effect  
 “ (that I could find), but only an order from the lords  
 “ of the councill w<sup>ch</sup> was to leave it to the lawe : as by  
 “ the order your grace may perceive, the coppie whereof  
 “ I send y<sup>r</sup> grace here inclosed, w<sup>th</sup> the coppie of the  
 “ mittimus for the Welshmen and the warrant for the  
 “ discharge of the shipp. I examined the skipper con-  
 “ cerninge the shipp and goodes ; and the company ;

\* MS. S. P. O. Drake “ to my worthy freind Edward Nicholas, esquire,  
 “ thesc.” Indorsed as received on the 19th.

" w<sup>ch</sup> I find differing in there speeches concerning passengers as they call them, and peeces of eight, w<sup>ch</sup> was in the shipp. Touching the passengers, the m<sup>r</sup> sayeth he hade foure, and that they were flemmans. The company said they were but two, and they were portingalles \* ; and hade nothing but a few cannefters of leomans w<sup>ch</sup> stayed not long after they came a shore. I examined the m<sup>r</sup> for peeces of eight, whoe sayed he hade but eleven ; but a boy of the shipp confessed that there were sixty-three ; and I hard by him that was maior at that tyme, that there were five hundred. Soe ther was difference in all there speeches. Therefore I doe imagine there was some good store, which I believe Sir John Eliot had his share [of]. I did not examine exactly, becaufe I had no authority to minister an oath unto them (as I conceive). The shipp hade been gone long before I came, but their sayles were arefted for debt ; but nowe I have made stay both of shipp and goodes untill your grace's pleasure be knowen. She came out of Portingall, as the m<sup>r</sup> faith ; and was bound for London with picled oranges and leomans, whereof there is in him yett some forty and od pipes. The m<sup>r</sup> will goe for London this weeke, and wilbe there by the end of the next weeke ; where, if he be well examined uppon oath, I thinke there may be other matter gotten out of him. This, being sorry I have bin so troublesome unto yo<sup>r</sup> grace, doe humbly take my leave, and rest yo<sup>r</sup> honour's humble servant to doe you service,

J. DRAKE." †

Hard as are Mr. Drake's efforts to make out something of a case for my lord duke, they must yet be pronounced a failure. All the points to which he draws attention are immaterial ; and the sole material point, whether the ship's

\* *Flemmans* and *Portingalles* are, of course, Flemish (or Flemings) and Portuguese.

† MS. S. P. O. Indorsed " Mr. Drake conc'ning y<sup>e</sup> piratt staid Barnstable."



cargo, admitting it to have been bought in an enemy's port, had not been paid for by the money of Flemish traders with whom the master was a co-partner, Mr. Drake does not even touch upon. Only one of the crew, a boy, could speak English; and even taking his evidence \* that the passengers were Portuguese, in preference to that of the master † that they were Dutchmen or Flemings, the case remains as it did, for no one asserts that they had anything belonging to them in the ship's cargo but a few canisters of lemons and oranges which they had brought over to give to their friends. Equally little to the purpose was the dispute as to the number of pieces of Spanish coin, unless it could be alleged that the mere fact of their being Spanish made them prize without regard to ownership. But though on the one side so little is established, on the other the foul play is manifest enough. Notwithstanding Eliot's directions, pretence had been made to stop the ship by an arrest for debt; and the very extent of the property under question seems to have been the only plea for depriving the owner of the benefit of the vice-admiral's favourable decision, just as Mr. Drake, by some similar process of logic, infers that because there were

\* Subjoined is an extract from the deposition of the boy, "John Broomestaffe of Hamborough," who "sayth that the shipp called the Fortune of Hambourough being laden w<sup>th</sup> sand and delboard went into Brazill and sold it and there tooke there loading, w<sup>ch</sup> was threescore and three pipes of pickled leomans, and oringes about the like quantity, and about 12<sup>lb</sup> of tobacco two barrells of moloffes and 68 peeces of eight and some barrells of leoman water, and that there came two portingall m<sup>c</sup>chantes over w<sup>th</sup> them w<sup>ch</sup> had two or thre cannefters of leomans and orringes."

† The master, "John Martens of Hamborough," after deposing that he had sold his first cargo of "deale board" at the Brazils, goes on to say that he "there bought 450000 greene leomans, 580000 orringes, 63 pipes of pickled leomans, two barrells of sweet meates, 110 waight of sugarc, 3 barrells of leoman water, and 1400 and a q<sup>r</sup> of corke and 15 pound of tobacco bound for London, and further saith that he had not in the shipp any peeces of eight, nor any other spanish coyne but only 11 peeces. And further sayth that he brought over w<sup>th</sup> him 4 passagers w<sup>ch</sup> were Dutchmen, whereof two of them brought over 7 or 8 cannefters of leomans and orringes to bestowe upon there freindes when they come over, and what became of them since he knowes not."

so many pieces of eight, Sir John *must* have had his share !

The enclosure described by him as an order of council is not preserved with the letter, but there is another enclosure from Bishop the constable which throws some light upon it. Bishop first deposes : " that he received " a warrant from Sir John Elliott for the taking up of " Welshmen (being constable) w<sup>ch</sup> brought in a flemish " shipp at Appledore aforesaid, and to carry them to the " gaole. The Welshmen understanding of the warrant " w<sup>ch</sup> was granted out against them, run away. Then " the skipper of the shipp understode where they were " after they were gone from Appledore ; and desired the " constable to have the warrant, and hee would make " after them to app'hend them ; w<sup>ch</sup> said warrant he " delivered unto the said skipper." If the Welshmen, as Bagg and Drake were anxious to establish, had indeed acted in good faith as king's searchers, their running away from the constable showed but small confidence in his majesty's power to protect them : but Mr. Bishop, anxious to make himself useful in the matter, proceeds to enlarge his deposition. He " further sayeth that " w<sup>th</sup> in two or three dayes after the shipp was brought " into the said harbor, this exam<sup>t</sup> being in company he " hard the cap<sup>t</sup> saye unto Mr. Crosse the vice-admiralles " deputy, that in respect of his loue, being of old acquaintance, hee desired that all thinges might goe well " betwen them ; and after that tyme the said Mr. Crosse " hade the ordering of all busines untill such tyme " that they were fallen out. Then Mr. Floyd put his " sonne aboard to keepe possession to the kinges use, " and there kept the possession untill about a moneth " before this warrant was granted." \*

Thus we learn that before Eliot had in any degree

\* Bishop's letter was addressed " to the Right Wor<sup>thull</sup> John Dracke, " Esquire, at his house by Exon."

taken upon himself to interfere, his deputy Mr. Croffe, acting under the order of council (for which he was bound to apply in the absence of the vice-admiral), had viewed the ship and goods and reported the facts as afterwards adjudged by Eliot: but that some dispute then took place, of which the end was that certain other persons representing king's searchers, and assuming also to represent the Welshmen, though certainly not themselves the Welshmen named in Eliot's warrant, got possession of the property. Setting aside confusions of date and time, from which none of these transactions are completely free, there is one thing clearly derivable out of all the confusion; and it is beyond doubt to me, upon view of the several papers, that the notion of seizing the ship for the king was an after thought, devised chiefly with the hope of harassing Eliot, and putting him under troublesome and expensive processes of defence.

The course suggested by Drake was acted upon, and a formal process from the admiralty issued to "William Leigh, William Molford, and Christofer Copplestone, to make stricte inquiry for all such goodes as weare adiudged to his ma<sup>y</sup>, had or receaued out of a shipp called the Fortune of Hamborough, w<sup>ch</sup> was seyzed by certayne Welchmen and brought w<sup>th</sup>in the porte of Barnestable." In the course of the duty so imposed they examined all the witnesses on oath, and failed to establish any irregularity. Everything had been done by course of law. This statement seems to me in effect an enforced acquittal of Eliot, though it was very far from being accepted in that light by the men now banded against him. "Those," say the conductors of the enquiry, "whom wee founde by oath to have receaued or bought any of the foresayd goodes, did alleadge for themselves that the foresayd goodes weare entred in the custome-house and therefore they might lawfully buy the same. And some of them farther

" shewing that they weare required by a warrant from Sir  
 " John Eliott knight, being then vice-admiral,\* to make  
 " satisfaction for the sayd goodes to one John Martens of  
 " Hamborough, skipper of the foresayd shipp ; others al-  
 " leadgeing the deputy vice-admirall discharging in the  
 " like kinde, being one Henry Crosse of Barnestable  
 " (whom wee p<sup>c</sup>cepted before us, but did not yeald his  
 " apparance being a very aged gentleman, but sent his  
 " sonne unto us w<sup>th</sup> his fathers warrant granted from the  
 " vice-admirall, farther alleadgeing that he had then buisi-  
 " nes to doe for the king) ;—heareupon, and for the cause  
 " aforesayd, the bearer heareof, Richard Herbert, suppos-  
 " ing this a wrong unto his ma<sup>tie</sup> did not p<sup>c</sup>ceed any  
 " farther, but requiried us to certyfy our p<sup>c</sup>ceedings to  
 " the judge of the high courte of admiralty according to  
 " the effect of the comission, whereby he might receaue  
 " farther directions what should be don in the p<sup>m</sup>is." †  
 At the time this admiralty-procefs issued, a step had

\* At the time of this comission Eliot had been sequestered, as will shortly be seen.

† MS. S. P. O. dated " x<sup>o</sup> Septembris 1627." Some passages from the memorial which this " Herbert " thereupon addressed to the privy-council will further shew the personal hatred and pursuit of Eliot in which the whole proceedings manifestly take their rise. In the first place he describes the ship as " being laden w<sup>th</sup> m<sup>c</sup>chandiz some silver and plate " *to an unknownen value* ;" he then assumes every fact in dispute as quite undisputed ; and after describing the course taken by Mr. Crosse, the deputy to the vice-admiral, he says that though Eliot had been made aware of proceedings taken to secure the ship and goods for the crown, yet he took advantage of a mere delay in publication of the judgment, and " did not " only cause shipp and goodes to be delivered to the sayd Marten to the use of " the sayd portingalls, but also made a mitimus (extant to be shewed) to " send all those that seysed for his ma<sup>tie</sup> to the gaole, from which they " escaped but weare forced to leave shipp goodes and contrey to their utter " undoinge *so that all the treasure was conveyed away*." He then describes the issue of the comission and its result, and winds up with a humble prayer " that S<sup>r</sup> John Eliott may be sent for to shew cause why his " ma<sup>tie</sup>'s enemyes should receave those goodes which weare adjudged to his " ma<sup>ty</sup> they being of the value of 2000l. and upwardes, as appeareth under " his owne hand and seale, and also to make satisfaction unto your peticon<sup>r</sup> " and his company for their greate wrongs occasioned by his meanes, your " peticon's through their long suite being not only undon in their estates, " but also in their repute and credites." MS. S. P. O.

been taken against Eliot which rendered it more than ever desirable that some public judgments should be obtained against him ; and the Richard Herbert to whom the managers named in it refer, a person who, though his only interest arose from his having purchased their assumed right from the Welshmen, was yet permitted to represent himself as the solicitor employed on their behalf and as actually prosecuting the suit in the name of the king, lost no time in procuring from the admiralty what the result of the enquiry had failed to help him to. He obtained judgment and process against all who had any portion of the cargo under Eliot's apportionment, and he fixed upon the wall of the Exchange a copy of the same under the admiralty seal, "according to the custome of the sayd courte, in Exchange time, and in the full concourse of m'chantes." A highly unexpected incident thereupon followed. One of the merchants present not only threatened to hang Mr. Herbert himself, but also threatened to suspend by the same rope "all those Welchmē that had as he sayd piratically surprisid the shipp and foresayd goodes, and so did, in a most scornefull malicious man' and contrary to lawe, take downe and goe away w<sup>th</sup> the sayd p'cesse and seale, being a greate scandall to the jurisdiction of the adm'alty, and an open disgrace and discouragement to all those that endevor the seyzinge and takinge of enemyes shippes and goodes for y<sup>e</sup> service and advantage of his ma<sup>tie</sup>." Which alarming and unbecoming behaviour Mr. Herbert having duly set forth in a petition addressed to his grace of Buckingham himself, he proceeds to intimate to his highness that the conduct of this merchant, by name Mr. John Healthe, clearly showed a confederacy and combination between him and Sir John Eliot, which it highly imported the service of the state to meet with some condign punishment. \*

\* MS. S. P. O. "The humble petition of Richard Herbert to the right gra<sup>ce</sup> prince George duke of Buckingham, &c. &c."

At the time when Mr. Herbert arrived at this conclusion, it was the middle of December 1627, and nearly two years had been passed in fruitless proceedings to discredit the official authority and establish the criminal responsibility of Eliot in a business which now found its appropriate climax in this notable proposal. Nevertheless, incredible as it may seem, the subjoined memorandum in the handwriting of the lord-admiral, who had been not many days returned from his deplorable siege of Rhé, remains actually affixed to Mr. Herbert's ridiculous petition: "15<sup>o</sup> Decemb. 1627. I desire S<sup>r</sup> Hen. Marten "kn<sup>t</sup> judge of y<sup>e</sup> Adm to make certificate unto me of "the exaia'cons he tooke in this busines upon my former reference and the truth of y<sup>e</sup> state and proceedings herein, that I may take such order as his ma<sup>ty</sup> "service or y<sup>e</sup> hono<sup>r</sup> of that court may not receive p<sup>r</sup>judice "by the insolvency of any particular. BUCKINGHAM."\*

Hatred of Eliot had doubtless now so mastered judgment and sense in him that it was impossible any longer to exert them in such a case. But even he was unable to take further proceeding upon the only report which Sir Henry Marten found himself able to make. Disregarding the prayer of Mr. Herbert's petition, as well as the very plain allusion in Buckingham's reference, Marten chose to consider that the only "insolvency" he was to enquire into was, not Eliot's, but Mr. Healthe's; as to which he accordingly signifies to his grace that he had called that individual before him, who confessed that he did, not in contempt but in ignorance, pull down the process of the admiralty-court from the place upon the Exchange where it hung, and that on meeting afterwards with Herbert, whom he recognised as the man who had purchased certain Welshmen's alleged shares in the ship and goods, he had told him, if he did not approve himself an

\* The petition bears a further indorsement in the duke's hand: "Jo. "Healthe hath contemned y<sup>e</sup> proceedings of y<sup>e</sup> ad<sup>m</sup> court, and he and Sir "Jo. Elliott combyned to defraude y<sup>e</sup> king of a prize adjudged."

honestest man than the Welshmen, he would hang both him and them. To which Sir Henry Marten, after intimating that perhaps his conduct might be more excusable from the circumstance of his being unacquainted with the courtes of the admiralty, thus drily appends the merchant's explanation of the language he had used. "He had certificates from Barnstaple of the indirect taking by the Welshmen of the said ship; *and how ill the country judged thereof*; and because, upon those certificates, Sir John Eliot had sent warrants to his officers to apprehend the takers of the said ship, and if they were not strong enough to raise the county to lodge them in the next gaole."\*

With which ended, as far as I can discover, this incident from which so much was expected, and, except in the way of mortification to his grace of Buckingham, so little was obtained.

### III. LAST ACTS IN THE VICE-ADMIRALTY OF DEVON.

Some few other cases now claim more briefly to be mentioned, as the last in which Eliot exercised an authority of which he was soon to be deprived. It was natural that he should act, in the circumstances of his public relation to Buckingham, with an extraordinary and scrupulous care; and perhaps it was not less natural that this should only have tended more to exasperate the pursuit of his enemies.

One of his first orders strikingly exemplified the sense of justice, irrespective of personal leanings, with which he performed strictly at this time his official duties. A French ship laden with wine, belonging "to one David Alexander of Diepe, a papist," had been taken prize under commission from the town of Rochelle, then in revolt against the French king, and driven by storm

\* MS. S. P. O. 22nd December, 1627.

into Dartmouth, where Eliot arrested her. Here all his sympathies were with the captors and against the captured. But in vain he was petitioned to permit the ship to be carried into and judged at Rochelle. The case was too clear to admit of doubt. England was yet at peace with France, and the men who made prize of the ship as rebels to the French king could only be regarded as pirates by an English vice-admiral. Eliot was immovable; and though Buckingham was anxious to have found a flaw in the transaction, and it was reopened on the Rochellers being taken under protection by England, the admiralty could only confirm the decision of Eliot.\*

The next case was that of a ship of Amsterdam called the *Margaret*, of which the circumstances can only be very imperfectly stated. She had twice been plundered, first by a man-of-war of Gallée, and afterwards by a pirate; and upon being driven into Dartmouth was taken as derelict by Eliot's officers, who were alleged to have given cause of action against their vice-admiral by making sale of the goods, and staying the ship (ultimately restored) for an undue time. Eliot's answer appears to have been that circumstances of suspicion justified the delay, and that the goods taken (as might fairly be presumed from the circumstances of the previous double capture) were of no value. The case was in reality a trumpery one, and is only worthy of notice for its illustration of the slight pretences on which the powers of the admiralty were set in motion against Eliot; of the influences employed with Sir Henry Marten, the judge of that court; of that judge's infirmity of purpose, letting still as of old his "dare not" wait upon his "would;" and of the all-overruling hate and inveteracy of Buckingham.

\* MS. S. P. O. There is no date or endorsement upon the MS. fragment from which I derive this fact; but it will be found in Dom. Cor. xxii. art. 55.



The owners, through the master of the ship, one Garrett Ouckerfon, had without any difficulty procured from the admiralty-court a "monition" to Eliot to pay 250*l.* for the freight of the ship, failing cause shown by Sir John to the contrary. With this monition off went Mr. Ouckerfon all the way from London "to Sir John Eliot's house;" as his petition to the council plaintively stated, "Port Eliot, a distance from thence 220 myle;" with no other satisfaction than an assurance from Sir John that he would attend to the matter in a few days, which he never did, but on the contrary "did nothinge." This was so entirely unsatisfactory, that again Mr. Ouckerfon applied to the admiralty, and again found every disposition to help him; but this passage of the story can only be told in his own words. "Sir Henry Marten," he says, "judg of the said court of admiraltie, graunted an attachm<sup>t</sup> against the said Sir John Elliott for his contempt therein; but before the "peticon" could get the attachm<sup>t</sup> sealed, there was stay made thereof by the same judg that graunted it. "Whereby the peticon<sup>s</sup> were enforced to pr<sup>c</sup>ure the "Duke of Buckingham's direction to the said judg to "graunt them an attachm<sup>t</sup> against the said Sir John "Elliott." No difficulty in procuring that; with which, and reinforced this time by two constables (perhaps the duke made this a condition), down again trudged the indefatigable Ouckerfon to Port Eliot; nay, had to go still further and fare no better, for he and his constables "found the said Sir John Elliott in the house of Edmond "Parker, gent", where he kept close and would not be "spoken with." That was in the spring of 1627; and though a deceitful message was sent out to the unhappy Ouckerfon and his constables, they had to trudge back just as they came. The occasion of his afterwards petitioning the council was when, in the summer of that year, government itself had laid Sir John by the heels in the Gate-

house for refusing the loan, and the vigilant Ouckerfon thought it a capital opportunity for serving his attachment.\* But here, alas! he vanishes from this history, no further account having been kept of him or of his cause.

The third case, which has no feature that need otherwise detain us, will perhaps be told most characteristically in the unsophisticated orthography and language of Mr. John Bishop, constable of Barnstable, who has already figured in the drama of the ship *Fortune of Hamburgh*. Mr. Bishop appears to have been in the pay of Mr. Drake the younger, and to him, as the person already understood to be holding the reversion of Eliot's office, he is careful to send timely news of everything on the coast. "Right wo<sup>ll</sup> w<sup>th</sup> my best service," says Mr. Bishop, "According to yo<sup>r</sup> order left w<sup>th</sup> me, I have "sent this messenger w<sup>th</sup> my letter a porpose to informe "yo<sup>u</sup> that there is a barke come the 22nd of this month "w<sup>thn</sup> our harbour of Bastable, full loden of barbary "skines, allasant's toth shee hath a bord, and other "commodityes shee hath, w<sup>ch</sup> for the certaynty as yet "wee know not; the martiall under Sir John Eliott hath "made stay of her, wheruppon the m<sup>r</sup> of the barke is "gone unto Sir John Eliott; these Frenchmen, as wee understand, ar of deep, a place in France, w<sup>ch</sup> were bound "for genny uppon the coast of Barbary, w<sup>th</sup> tow shippes, "there to traficke, were the [where they] met w<sup>th</sup> this "barcke, being tourkes. The captaynes of the French "shippes did desire to have the captayne of this ship to "come abourd them, hee coming a bourd them the de- "maunded for the Christians, and presently made dis- "pach of the tourckes and so toucke this barcke: now being "homward bound w<sup>th</sup> the other tow shippes by extremity

\* MS. S. P. O. "And the said Sir John Elliot being now in the "gatehouse att Westm<sup>r</sup> upon y<sup>r</sup> hon<sup>rs</sup> command cannot be charged w<sup>th</sup> the "petico<sup>rs</sup> attachment w<sup>thout</sup> y<sup>r</sup> hon<sup>rs</sup> speciall favo<sup>r</sup>."

“ of weather the were inforced to come w<sup>th</sup>n our harbour :  
 “ the tyme w<sup>th</sup> the came from Genny is ten or twelve  
 “ weekes since : thus have we by relation of the company :  
 “ the barcke is of twenty-five tonnes or thereabout : three  
 “ peces of ornanse, five or six morderers, twenty or thirty  
 “ small shott, and likewise so many men. The have a more  
 “ and a turcke abourd them, and it presoposed that itt  
 “ is a prize : thus w<sup>th</sup> my well wising service ready to  
 “ pleasure yo<sup>r</sup> wo<sup>rp</sup> in what I may to the utmost of my  
 “ power JOHN BISHOPE.”\*

Whether Mr. Drake was able through this rigmarole to make his way, among the Barbary skins and elephant's teeth, past that place in France which Mr. Bishop does not call Dieppe, and through the intricacies of turks and christians, five or six morderers, and a moor, to any satisfactory decision of whether or not a prize had here presented itself, is not material to us. The chief point of interest in the letter is its date. It was written on the 25th of October 1626, on which day a council of some interest to the hero of this narrative was sitting in London.

But before adverting to it, a fourth and last case in which Eliot exercised his powers as vice-admiral claims to be mentioned, and will indeed connect itself with the sitting of that council. On the 22nd September 1626, Bagg wrote to his grace of Buckingham. He had one man to supplant; another to promote; and a third to do such deadly disservice to, as lay within his power. These were the offices Bagg delighted in, and which made him as friend and as enemy alike detestable. Obsequious in his services, treacherous in his enmities, he was in both the same Sir Pandarus; and the wife would have shrunk with equal loathing from his hand, whether lifted officiously to support, or eagerly to stab. His present objects were, first to get William Coryton,

\* MS. S.P.O. Dated “Apledore this 25th of October.” Endorsed 1626.

Eliot's friend and fellow patriot, removed from his place in his county; next, to substitute for him that same Mohun who, as already we have seen,\* will hereafter appropriately reward Bagg's favours by denouncing him in the star-chamber as a swindler; and lastly, and above all, to urge the superseding and sequestration of Eliot. He begins by reminding his grace that he had expressed his favour to "freind" Mr. John Mohun by getting him made vice-warden of the stannaries in Cornwall in Coryton's stead. Reports had been going about the country of the duke's intention to favour some other, "which, if soe," says Bagg, "he is no other to your grace than a second Coryton." The county, he grieves deeply to say, follows the most evil examples in reference to the contribution for his majesty. None had been so forward to express their loyalty as Mohun and Barnard Grenvile, and though they had been overborne, he beseeches his lordship to persevere in his affection to Mohun, and to know him able and willing to do all his grace's biddings. He then comes to the pith of his letter. "One Capt. Jelly," he writes, "under a comission of the states is come into Cattwater neere Plymouth w<sup>th</sup>n the vice admiralitie of Devon: and w<sup>th</sup> him hath brought a French shipp he tooke upon this coaste loden w<sup>th</sup> fishe and floatinge upon the sea w<sup>th</sup>out any p'son in it, being a derelict. Elliotte's officers have beene aboard; not seased upon her, but bought her from Jelley. The right I take to be in yo<sup>r</sup> l<sup>pp</sup>, from whose hands Jelley is to have some reward. I conceave it is no wronge to yo<sup>r</sup> grace his iustice, that Sir Henry Martyn send a comission to S<sup>r</sup> Edward Seamour, my cofen Drake, and myselffe, or any others yo<sup>u</sup> will please to interest in yo<sup>r</sup> behalfe and the "p'prieto", to seaze her untill further order; for in my

\* *Ante*, i. 204.

"poore opinion I hold it convenient yo<sup>r</sup> grace should in  
"all thinges expresse yo<sup>r</sup> dislicke of y<sup>e</sup> ungratefull villien  
"Elliott." The proposition is simply the unblushing  
one that Eliot should, without further ado, be superseded  
and deprived of his office; and for himself, he adds, he  
will not consent to live on any terms otherwise than to  
die his grace's true servant.\*

He expresses the same wish still more frankly in a  
letter of the same date to his "beloved friend" Nicholas,  
whom he urges and beseeches to second his views.  
"Above all," he says, "let not Elliott be here a man of  
"action. If yo<sup>u</sup> knew how it doth reflect upon my  
"lord, yo<sup>u</sup> would, as I doe, grieve to understand it.  
"Therefore, for Jelley his derelick, send me a com-  
"mission."†

Not only was the commission sent, and the ship taken  
from Eliot's officers, but a more flagrant act was decided  
on. Although the Duke's private committee, already  
appointed as "commissioners" for enquiring into Eliot's  
accounts and his administration of his office, had not  
yet held a single meeting, it was thought the safer course  
to begin where it had been predetermined that the  
investigation should end; to condemn and sequester  
him first, and afterwards to make the enquiry. It was  
done with every circumstance of form and solemnity.  
There was a very full council, comprising all the great  
officers of state; and the king came in person and  
presided. Here, as it still stands on the register, is

\* MS. S. P. O. Indorsed "R. 26th Sept. 1626."

† Of course there is a stab behind the back for some one in this letter also.  
It thus concludes: "John Bonithon at Falmouth is still busy, I pray  
"discountenance his proceedings and let the country p'ceave that neither  
"his lieutenant or the castell have ought to doe w<sup>th</sup> the duke's admiralty.  
"I must abruptly conclude and say you have bin my friend I must there-  
"fore be yo<sup>r</sup> servant, JAMES BAGG. Saltram my house this 22<sup>d</sup> of Sep-  
"tember, 1626." The "lieutenant" and "the castle" is an allusion to  
Sir Ferdinando Gorges, already named (*ante*, i. 329), and to be hereafter re-  
ferred to.

the memorable minute which records the act of that day.

" At the Court at Whitehall the 25th of October, 1626.

" Present :

" The king's most exelent Ma<sup>tie</sup>.

" Lo. Keeper.

" Ea. of Bridgwater.

" Lo. Trēr.

" Ea. of Holland.

" Lo. President.

" Lo. Chan. of Scotland.

" Lo. Admirall.

" Lo. Conway.

" Lo. Steward.

" Lo. Carleton.

" Lo. Chamberlain.

" Mr. Trēr.

" Ea. of Dorfet.

" M<sup>r</sup> of the Wards.

" Mr. Secretary Coke.

" Upon credible informacōn given to the board that  
 " complainte hath ben made of diuers fowle abuses and  
 " misdemean" committed by S<sup>r</sup> John Eliot k<sup>t</sup>, vice  
 " admirall of the county of Deuon, in the administation  
 " of his said office, w<sup>ch</sup> abuses and misdemean" are many  
 " of them such as bringe w<sup>th</sup> them scandall and dishonor  
 " to the state, and damage and hindrance to sondry  
 " pticular persons his ma<sup>tie</sup>" loueing subiects, and  
 " to strangers his allyes and confederates : Their lls  
 " takeing the complaintes aforesaid into their due con-  
 " sideration, and desiring to remove the cause thereof and  
 " to preuent the lyke clamo" and inconveniences here-  
 " after : Thought fitt and ordered that the Lo. Duke  
 " of Buckingham Lo. High Admirall of England  
 " shalbe prayed and required to give present direction to  
 " sequester the said S<sup>r</sup> Jo. Eliot from all farther meddling  
 " w<sup>th</sup> or executinge of the said office of Vice Admirall  
 " of Deuon : And in his roome to constitute and appointe  
 " some such other person or persons as hee shall think  
 " meete to mannage and execute the same. Hereof his  
 " grace is also prayed and required to take knowledge,

"and accordingly to give direction that this order may  
"w<sup>th</sup> care and dilligence be duely perfourmed."

Concurrently with the promulgation of this act of council it was announced that Sir James Bagg and Sir John Drake (the younger of the Drakes now obtaining knighthood) would in future, by direction of the duke his grace, execute the office of vice-admiral of Devon.\*

As yet unconscious of the foul blow struck at him, Eliot was busy in his duties to the last; and the latest act which the spies that now dogged every step he took were able to report against him, showed him anxious, as he seems always to have been, not to make toll and tax of every ship driven within his jurisdiction, but to give hearing and allowance to reasonable claims. Four days after the council sat, the elder Drake sent up to Nicholas a man whom he had placed on watch at Barnstaple, and who was to give him news of a ship come on shore there of good value. "What Sir John Elyott will doe  
"w<sup>th</sup> her, I know nott; I thinke discharg her as he did  
"the other shipp. Wherffor I haue sentt this bearer  
"upp, whereby they may acquantt my lord duke w<sup>th</sup> it  
"and to know his pleasure in it. I think now she is soe  
"come in, that she is the kinges if it please my lord to  
"command my service.or my sonnes." And he concludes by saying that he has other men on the watch to report what is done.†

One more exercise of authority closed Sir John Eliot's administration of the vice-admiralty of Devon. It was the release of a Turkish ship, taken by a Frenchman and driven into Appeldurcombe; and appears to have been so clear a case that an order was issued from the admiralty-court several months later calling upon the deputy-

\* In the S. P. O. under date the 26th September, 1628, will be found a MS. list of all the vice-admirals, Devon being inserted thus: "Sir John Drake and Sir James Bagg: it being sequestered from Sir John Eliot." Sir Edward Seymour, it seems, had strongly solicited for it.

† MS. S. P. O. Dated "Ath, this xxix<sup>th</sup> of October, 1626."

judge of Devon, Mr. Kifte, to show cause why he had detained the ship under arrest. His answer \* was " that " S<sup>r</sup> John Drake and not Kifte arested the shipp, nayled " downe the decke, and tooke away her sayles, after " Sir John Elliott, the vice admirall p'tended, had re- " leased her, for that S<sup>r</sup> John Elliott was sequestred from " his office before the release made, and the power was " in Sir John Drake, whoe had a comaund to doe that."

It was the only official act done by Eliot after his sequestration was made public, and was doubtless designed by him as a practical protest against what he believed to be an unlawful proceeding, which he also formally protested against in other ways. That he would ultimately have submitted the question for decision of the courts is certain, if Buckingham's death and his own imprisonment had not intervened. In the interval between those events, it will be hereafter seen, he sent his letters patent to his friend Selden for an opinion how far certain powers contained were affected by the grantor's death ; and I am able to subjoin curious evidence of the fears and misgivings that beset both Bagg and the younger Drake in the enjoyment of their spoil.

Three months later, when these men had already begun to quarrel with each other over the ill-gotten gains, Bagg wrote to Nicholas, with great professions of being his true friend, to remonstrate against Drake being allowed to share in all his seizures ; and to express very abjectly the hope that until he should be found other than a true, affectionate, and faithful servant unto his grace, nobody " employed in the west " would be permitted to have the trusts and advantages promised to himself. " And

\* MS. S. P. O. 11th August, 1627. " Breviat of the informations against " Kifte with his answere thereunto, and proofes made." It may be worth adding that Eliot's old acquaintance Nutt turns up suddenly at this time, strengthened and made formidable in his malpractices by the favour wickedly extended to him ; and there is a report from Kifte to Nicholas of a flagrant act of piracy committed by Nutt a month later than this enquiry into the affair of the Turkish ship. MS. S. P. O.



artifices resorted to throughout, the trivial nature of the only charges that after all it was found possible to rake up against him, and the utter failure and disgrace in which the business closed.

Among the names suggested after Bagg's, it will be remembered, the Drakes were conspicuous; and on the 2nd of October 1626, the elder of them wrote to Nicholas desiring his humble service to the duke, and stating that upon his son's return he would write again concerning Sir John Eliot, for that Bagg had carried away the commission and he had not since heard from him.\* On the very same day, however, Bagg was himself writing from his house at Saltram to his "beloved friend" the secretary, to tell him in great alarm that he is afraid Eliot has got hold of a copy of the commission and articles. The man to be put upon trial, in other words, without the opportunity of making his defence, had somehow most treacherously got hold of the knowledge of what was going on! Bagg protests (unnecessarily) that it could have been in no way from him; and he beseeches Nicholas to find out so base a perfidiousness, and let the doer of it never live another hour a minister in the admiralty. He goes on to say that his cousin Drake had first read the commission; then Kifte, the deputy-judge of admiralty in Devon; then Sir Edward Seymour, the man now at issue with Eliot on the question of the duke's handsome gift to him, whom Bagg had appropriately selected as a commissioner; and that he had also shown it to Sir William Strode, Sir Barnard Grenville, and Mr. John Mohun, all of them thoroughly well affected to my lord. They

\* MS. S. P. O. Mr. Drake "to his worthy friend Edward Nicholas, esquire, and dated "Ash, 2<sup>d</sup> of Octob<sup>r</sup> 1626." "Upon John Drakes returne I will writt agayne concerning Sr John Elyott. "Sr James Bagg caried the commicio away w<sup>th</sup> him after he had bene w<sup>th</sup> me, and p<sup>r</sup>misid to send me word when the rest of the commisioners wold sett; butt I never hard from him sythence butt that he was gone "into Cornwall aboutt pryfes."

would all be ready to attend any meeting, yet Bagg had his doubts of success unless he should himself turn solicitor and manager. The truth was they could not rely on Kifte. It was impossible to exclude him from the commission, being the only man who could be put forward as having any sort of official knowledge of the matters to be charged; yet there was great reason to believe he would juggle and play the knave. Might it not be well if the admiralty solicitor himself, Mr. Davyle, were sent down to try and hold the thing together? Bagg would do his part, but dispatch was of infinite importance.\*

Five days later some light is thrown, not only on the alarm of Bagg and the supposed juggling of Kifte, but on difficulties which appear somehow to have threatened shipwreck to these worthies at the very starting, by another letter to Nicholas from the elder Drake. My lord had sent to him to make enquiry at Barnstaple in a matter affecting Eliot, which he should attend to with all speed and write to my lord. Bagg also had written to him for sitting on the commission, and would have it to meet at Dartmouth; but that was forty miles from his house, and twenty from where certain witnesses were that he

\* MS. S. P. O. Bagg's language is so characteristic of him that it ought to be subjoined. "Concerninge Elliott's business I feare  
" he hath the copie of the commission and articles. But I am sure it is  
" not from me, or wrytten from this since it came to me. Fynd oute so base  
" a perfidioufnes, and lett the doer of it never lyve one hower a minister in  
" the admiraltie. But for this commission my cosen Drake first p<sup>r</sup>used it, then  
" Kifte, then S<sup>r</sup> Edward Seamour I made acquainted w<sup>th</sup> it, also S<sup>r</sup> William  
" Strood and S<sup>r</sup> Barnard Greenvill. Yesterday M<sup>r</sup> John Mohun was here  
" w<sup>th</sup> me from the Bathe. Theise wilbe readie to attende any meetinge,  
" but I find withoute I turne solicitor it will hardly take successe. I sende  
" yo<sup>e</sup> herew<sup>th</sup> the coppie of a lre of Kifte's to me and my answere; sythence  
" w<sup>th</sup> tyme I have not heard from him. I have nowe againe wrytten unto  
" him, and to my cousin Drake to speake w<sup>th</sup> him. I feare me he doth juggle  
" and playe the knave; and er I doe heare from him, we can assigne no meet-  
" inge; and for p<sup>r</sup>sent my advise is that yo<sup>e</sup> sende hither to followe this  
" business Mr. Daviell y<sup>r</sup> solicitor, or some other of trust and judgment,  
" and I will doo my part. It is most necessarie this business must not be  
" dallied w<sup>th</sup>: yf I heare not w<sup>th</sup>in a daie or two from Kifte, I will go to  
" Exeter and meet my cousin Drake that wee maye resolve upon somewhat;  
" w<sup>th</sup> no sooner taken but yo<sup>e</sup> shall know of it."

had knowledge of. Bagg had left the time to him, too ; but he could not now name a day because of the other Eliot affair appointed him by the duke. " For I think to " dispach this busyness er that be donne, for yf this fall " ryght it will serve us well." Then comes the important part of his letter. He desires greatly to hear whether there be *any parliament* in contemplation by the king's majesty ? " For thos frends of my lordes, *such as* " *Elyott was*, geveth outt that the day is appoynted, " w<sup>ch</sup> is the second of the next moneth ; and they have " labored for places allredie ; and are sure of it ; and geve " greatt wordes what wilbe donne, and nottes taken what " speaches hath been geven, and notte bookes be fylled ; " and many other wordes geven outt w<sup>ch</sup> wilbe to long " to writt ; foe as I should be glade to hyre *whether* " *there wilbe one or noe*. God blese my lorde's grace " and defend him from his enymyes."\* As will hereafter be seen, public affairs were at this time in so desperate a condition, that the only conceivable remedy began to be talked about again ; and with a parliament, the plotters too well knew that Eliot's day would return. This it was which paralysed the plot at its outset ; and accurate measure may be taken as its successive stages are developed, and the conspirators are combined and hopeful, or despondent and at war with each other, of the rising or falling chances that another parliament may meet.

Nine days after Drake's letter Bagg wrote again. After further pleading in the matter of the vice-wardenship for his friend Mohun, he tells Nicholas that Kifte had at last sent him some notes, but they were absolutely confirmatory of Eliot's account ! What could Bagg think of this but that the fellow juggled ? However, they of the commission meant to meet at Exeter in seven or eight days, when the secretary should hear further.† Writing to Buck-

\* MS. S. P. O. Mr. John Drake to Nicholas, from " Ash, this " 7th of October, 1626."

† MS. S. P. O. From Saltram this 16th October, 1626. " Yo"

ingham also, on the same day, of matters which will hereafter claim notice, he is careful to mention, that, of the commission concerning Eliot, though it had lately been standing still, he should proceed in it as shall be to his grace's honour, "and at last give a due reward to that ungratefull villaine." \* And again, on the 9th of November, he writes to my lord from Plymouth as his grace's most humble, obedient, and faithful servant, to inform him: "For Elliot's business little is done in it; some time is lost; but I hope it will tend to his utter ruine! For my heart desires nothing more than to have that traitor's base ingratitude appeare to the world." †

His next letter on the subject is to Nicholas; not written until after an interval of nearly three months, during which the business still has hung fire. Great political excitements have been all this time prevailing in the county; and though Mr. Davyle has gone down, not with a regular appointment as Bagg had suggested, but to try and accommodate in a friendly way the bickerings of the commissioners, ‡ his efforts have been the reverse

"will more than doe me a favor yf yo" mynde my Lord conc'ninge  
"the vice-wardenship for M<sup>r</sup>. Mohun. Kifte hath at last sent me some  
"notes, but no other than what Elliot hath exprest in his accompte: soe as I  
"thinke the fellowe juggles. I have wrytten unto my cosen Drake, and  
"the foureth or five and twentieth of this moneth wee meete at Excet<sup>r</sup>, to  
"order this busines: from whence yo" shall heare from us." Indorsed  
by Nicholas for the duke, "y<sup>e</sup> 24th he sitteth att Exceter about Sir  
Jo. Elliotte's busines."

\* MS. S. P. O. Bagg to "my Lord the Duke," 16th October, 1626.

† MS. S. P. O. Bagg to Buckingham. "Plimouth ix<sup>th</sup> November, 1626."

‡ Sir John Drake and Kifte had now fallen foul of each other, and it is curious that the drift of their respective complaints is precisely the same as those made against Eliot. Kifte was alleged to have released prizes that ought to have been secured for my lord, and to have taken bribes from the parties interested. These charges and recriminations have now no value except as they exhibit the character of the men not merely set up as the sole judges in Eliot's case, but also themselves the persons who were to prosecute him, the witnesses that were to swear against him, and the jury that were to try him. After describing a prize driven into Barnstable in a storm, Sir John Drake continues: "And now comes Kifte, the judge of the

of successful. Bagg's letter is in a most tearful tone of wailing and lamentation. Mr. Davyle has had directions from Nicholas, that, in all sales of goods seized under the powers of the Devon vice-admiralty, the Drakes should always be summoned to attend; and also that no meeting of the commission respecting Eliot should be considered a quorum at which one or other of the Drakes was not present; \* and Bagg has taken this dreadfully to heart. How much it "staynes" him, he will not say. Endure it he cannot. So much honoured has he been by being servant to his grace, that he must not now become an attendant to either of *them*. He writes from London, whither he had come up for explanations. It was a dishonour to him not to be borne at home, that he should be "tied to them;" and before he could return there, it might even kill him, if he were to think that such a command could have proceeded from his grace. †

"admiraltie, upon this bare confession only of one of them grātes them restitution of there goods that warre saued, and causes the lockes that wer set by my officers upon the doors to be broken open. And so most of the goods are sold and conveied away, w<sup>ch</sup> on my understanding belongs all to my lord admiralle. And yf he be suffered to acte bothe vice admirall and judge, bothe to seise and give judgment both in one place, as he doth ordinarie as he goeth up and downe the countrie, he is one that respecteth nether my lord's honor nor profite so he may sharke and shaue for him selfe. Wherefor I thinke yf you please to be a meanes to my lord for y<sup>e</sup> disposing of such an unworthie member out of his place, you shall be a meanes to doe my lord a great deall of honor, and much good to y<sup>e</sup> countrie. This I can doe noe lese to let you understand of this fellow's base dealing. The Dutchman confesseth that he gave him tenne pounce, but what more I cannot yet learne." MS. S. P. O. Sir John Drake "to his much honored frende Edward Nicholas, esquier, &c. &c. Barnestabell, this 6th of Januarie, 1626-7."

\* The object of Nicholas was evidently to establish some check over Bagg, though he covered it with friendly professions of his desire to establish proper relations between him and the Drakes. On the 13th of the previous November, Sir John Drake had written to him that no difference that he could help should arise between him and Sir James Bagg.

† MS. S. P. O. Bagg to Nicholas. 18th February, 1626-7. The reader may be amused by Bagg's exact expressions: "Yf ether of them will be present it shall content me much, but to be teied to them will too much dishonour me at home, and ere I come there *even KILL ME yf this proceed from his grace his command*, for I am pure in my affection and fathfull in my service to his lordship. I hope Mr. Davell hath mistaken

This would seem for a time to have brought the commission again to a stand ; and at this moment his grace's proctor, Mr. Richard Wyan, reappears upon the scene. He is in a difficulty. Upon Eliot's account as rendered there was a balance of 50*l.* due, which had been properly deposited. That account he had been instructed to oppose ; and now Sir John had appeared in court by his counsel, and claimed to have his money back if his account was not to be passed. What was he to do ? He thought the claim could not in justice be denied, but he had demurred to it for time. \* This was the only notice which Eliot had as yet deigned to take of the conspiracy against him ; and all his character was in it, scornful and resolved.

Upon various pretences, delays were nevertheless interposed. Those were the busy and anxious months at the admiralty which, as will shortly be seen, preceded the sailing of the expedition for alleged relief to Rochelle ; and it was not until the lord-admiral had departed with the fleet, in the same month when Eliot was imprisoned for refusing the loan, that Nicholas again addressed himself to the commission against him. Buckingham had left it behind him as his legacy of hate to the enemy he most dreaded, with urgent orders for its immediate and active prosecution. The solicitor to the admiralty, Mr. Davyle, was accordingly sent down for this purpose with formal instructions on the 26th of August 1627 ; and in the state paper office there remains the rough draft of a letter which

" y<sup>r</sup> derection, for I know it can not come from y<sup>e</sup> in whome next my lord  
" I put my trust, and from whome I have found as true friendship as from  
" any."

\* MS. S. P. O. R. Wyan to " the wo<sup>ll</sup>. Mr. Edward Nicholas, esquier  
" from Dörs. Cömons," 17th February, 1626-7. " In S<sup>r</sup> John Eliottes acco<sup>t</sup>,  
" w<sup>ch</sup> I oppose the allowance of, there is a rest<sup>e</sup> of about 50<sup>l</sup> w<sup>ch</sup> hee  
" tendred and deposited in ballance of it and desired his quietus est : and I  
" keepinge him from it, hee no<sup>r</sup> by his counsell mooveth that yf his  
" accounte maye not passe that his moneye tendred maye bee redeliv<sup>d</sup>. I  
" thinke yt cannot bee denied. But I have caused it to bee demurred upon  
" untill thurdsdaie nexte, desiring you that in the meane time I maie heare  
" from you."

he carried with him from Nicholas to Bagg, and which, as far as its cramped penmanship is decipherable, runs to this effect. "This bearer, Mr. Davyle, is sent down purposely to see the execution of the com<sup>n</sup> for examyning the abuses of the officers of the vice ad<sup>lv</sup> of Devon, w<sup>ch</sup> is a service as you may perceave by a form<sup>r</sup> letter from my lo that is (has?) more expectaçon then it seemes the com<sup>n</sup> imagine for the kinge's hon<sup>r</sup>. Called to my lo for an accompte of it, I pray take a speciall care that the com<sup>n</sup> may be now executed w<sup>th</sup> effecte; and call on such of the com<sup>n</sup> as are named in it, and as you finde slowe in it." \* From amidst the troubles and disasters of Rhé, the duke had yet found time to urge upon his secretary the paramount and all-important duty of following up the prosecution of Eliot.

A letter to the same effect was at the same time sent to the elder Drake. Bagg's reply of the 11th of September remains; and in it he gives assurance that Mr. Davyle is actually preparing the business, that the 23rd has been appointed for their sitting, and that Bagg's best service will not be wanting. This acknowledgement could hardly have been placed in the hands of Nicholas, when, on the 13th of September, only two days after its date, with an earnestness very unusual in him, the secretary wrote to Bagg again. "I pray," he said, "have an especiall care of the business Mr. Davyle is come down to you for, that at last he may be able to give my lo an accompte of it." †

Five days later Davyle sent Nicholas his first report. It was not entirely favourable. He had attended all the commissioners. With Sir George Chudleigh, Sir Edward Seymour, Sir Barnard Grenville, Sir James Bagg, and Mr. Mohun, he had been met by no difficulty, and they agreed upon a particular day for a sitting at Plymouth. But, on

\* MS. S. P. O. At the bottom of the draft is this memorandum: "a like lre was the same day sent to Mr. Drake concerning the vice ad<sup>lv</sup>."

† MSS. S. P. O. Under dates *ut supra*.

going over to Mr. Drake at Ashe, excuses were made; and proceeding thence to Mr. Kifte at Exeter, he had found the like coldness. Hereupon the commissioners, especially those, interposed Mr. Davyle, "*that are my lord's trulye,*" resolved to prevent any further neglect by calling on Mr. Drake and Mr. Kifte themselves to name another day; and the worthy solicitor, after singling out Grenville, Bagge, and Mohun for the praise of being "as forward in the business as any friend my lord hath," expresses his resolution, now that he had come down twice about it, to see an end of it before he returns. \*

His next report nevertheless, a week later, shows him no nearer to that desirable consummation. Mr. Drake and Kifte were still the obstacles; but Grenville, Bagge, Mohun, and Seymour had then determined, in the event of further delay, to go on without them, being "resolv'd to spare no paynes to doe my lord service." The matter involves a vast deal of toil and labour to himself, the distance between Grenville and Drake being eighty miles, and he having performed that journey thrice; but

\* MS. S. P. O. From Wm. Davyle to "the wor<sup>ll</sup> mye worthye friend Edward Nicholas, esquire." Plymouth, 17th September, 1627. "I have attended all the commissioners for the service I was sent downe about. S<sup>r</sup> George Chudley, S<sup>r</sup> Edward Seamour, S<sup>r</sup> Barnard Greenfeild, S<sup>r</sup> James Bagge, and Mr. Mohun had appointed Mondaye the xxi<sup>th</sup> of this moneth to sitt upon ytt att Plymouth. I went from them to Ashe w<sup>th</sup> the warrant signed for warninge witnesses ag<sup>t</sup> that day, to Mr. Drake, but he excus'd ytt w<sup>th</sup> some other busines to sitt upon an other comission, that he could not meete att that tyme and place. I made my returne from him to M<sup>r</sup> Kyfte to Exeter, and found the like coldnes in him, that he had other ymployment and could not be there. W<sup>th</sup> the commissioners understandinge (especially those y<sup>t</sup> are mye lordes trulye) resolu'd to have another daye, and that of their owne appointm<sup>t</sup>; and putt of the form<sup>e</sup> daye because hereafter they shall not say (they beinge the cheife delato<sup>r</sup>) there was any neglect in the service. S<sup>r</sup> Barnard Greenfeild, S<sup>r</sup> James Bagge, and M<sup>r</sup> Mohun are as forward in ytt, as any freind mye lord hath. Howsoever since I have been nowe twice about ytt, I resolve to see an yssue of ytt before I retorne; for I am sure I have those heer on my lord's behalfe that will not lett me want their assistance. I beseech you S<sup>r</sup> that mye absence being in this ymploym<sup>t</sup> may be noe p<sup>r</sup>judice to me. I referre myselfe to S<sup>r</sup> James Bagge's relation for mye care and paynes, w<sup>ch</sup> shall neuer be wantinge."



he should be ashamed now to return without finishing the affair.\*

Upon this Mr. Nicholas seems to have taken sudden resolution himself to put the screw upon Mr. Kifte and Mr. Drake, to whom he wrote accordingly. Then, after a few days, he was careful to thank Bagg for his care of my lord's service, whereof he should not fail to make honest and hearty report to my lord; and went on to tell him he should hope *now* to see Mr. Davyle shortly with a good account of that business, wherein Mr. Drake who undertook much, and Mr. Kifte who promised fairly, had fallen short of the expectation themselves had raised.† At the time he thus wrote, on the 18th of October, he had the best reasons for knowing that no more difficulties would be interposed by either Kifte or Drake.

As early as the 6th of October, Kifte, replying immediately to the letter of his grace's secretary, had hastened to express the hope that Mr. Nicholas would so arrange that neither himself nor his registrar Mr. Staplehill should be further troubled in the matter of those "290 hydes" "challenged by Chamberlyn," seeing that what he had done was in my lord's service; and as his intent in the

\* MS. S. P. O. Davyle to Nicholas. Plymouth 25th September 1627.  
 "I am nowe as neer the finishinge of mye busines as I was the first daye I  
 "came, all in respect of M<sup>r</sup> Drake and M<sup>r</sup> Kiftes not beinge heer at the  
 "tymes appointed. S<sup>r</sup> Bern'd Greenvyle, S<sup>r</sup> James Bagge, and M<sup>r</sup>.  
 "Mohun haue appointed Monday pemptorilye the viij<sup>th</sup> of 8<sup>mo</sup>, and to that  
 "purpose they have sent me to M<sup>r</sup> Drake and Kifte to see yf I can p<sup>r</sup>cure  
 "them to meete att Plymouth; w<sup>ch</sup> if they refuse they resolute to goe on  
 "themselues w<sup>th</sup>out them, and soe to adiorne ytt to Tottnes and to Exeter  
 "to examyn witneses as they lye. They are all w<sup>th</sup> S<sup>r</sup> Edward Seamoure  
 "resolu'd to spare no paynes to doe mye lord service. . . . I make bould  
 "to stay the finishinge of the commissiō, for I am ashamed to returne  
 "w<sup>th</sup>out doeing of somethinge in ytt, and I hope you wilbe pleased to  
 "conceauē that I must obserue the directions of the principall com<sup>r</sup> whoe  
 "hitherto directes me. I am sure my toyle and labo<sup>r</sup> is moſte, for I  
 "muſt goe to them my self, and not ſend; and betwixt S<sup>r</sup> Bern'd Green-  
 "feild's and M<sup>r</sup> Drake's ytt is above 80 myles, and this 'tis the third journey  
 "I haue made betwixt them. God willing theer ſhalbe noe want in me, theer  
 "fore I humblye praye you wilbe pleased to thincke ſoe."

† MS. S. P. O. Nicholas to Bagg, 18th Oct. 1626.

confiscation was just, he did hope, by Mr. Nicholas's means, to find the fruit thereof. "I am now," he adds, "putting foote in styrrap to ryde to Plymouth about the comission against Sir John Elliott: and uppon Munday next wee doe first begyn to fitt. I could hardly be spared by reason of my other imploymentes; but Mr. Drake and the rest of the comissioners will not proceede thearein unless I be present." \*

The other laggard, the elder Drake, Mr. Nicholas had pulled up yet more effectually. From this commisioner he heard on the 14th of October, and in a tone that might well be taken for some extenuation of his former reluctance and delays. Those delays he excuses on the ground that he desired to have as many of the commissioners present as might be, and his health had not been good. But, following implicitly the contents of Mr. Nicholas's letter, he had attended the commission at Plymouth, where they took some evidence "which falles foule on the vice-admirale's part;" nay, adds Drake in his new-found zeal, "foe foule, that, if extremity be used, it will goe neere to touch his life in my poore opinion. The p̃ticulers are to long to write. It is not only in deceaving of my lord (as that he hath done) as it is manifestly p̃ved, but also by violence hath taken true mens goodes, by abusing his authority, and by deceivinge of men w<sup>th</sup> bondes w<sup>th</sup>out date. W<sup>ch</sup>, when you shall see the p̃ticuler, you would thinke it impossible that any man that carryes the face of an honest man should doe such things!" There could be no more doubting of either of the Drakes after this. He went on to say that the commission was adjourned to Totnes for Tuesday sen'night, and that Mr. Davyle had taken as much care and pains in it as any man could do.†

Not content with even this, however, Drake in little

\* MS. S. P. O. Kifte to Nicholas. From Exeter, 6th October, 1627.

† MS. S. P. O. Drake to Nicholas, "from Ashe, the 18th October, 1627."

less than a fortnight reported himself again to my lord duke's secretary with not less zeal. Since he last wrote of the commission concerning Sir John Eliot, he told Nicholas, they had gone steadily forward with it ("although it were a great journey unto me to goe at Totnes yet I was there"); and so they had finished it; and he hoped they had matter enough proved to make the gentleman known how he had carried himself in his place. There was one drawback notwithstanding. Kifte and his registrar, Staplehill, had not given them all the assistance they had been led to expect from them. There were several things deposed by witnesses which they might have confirmed "by their actes made in court," for there was no great trust to be placed in their words: and he could wish that they were compelled "by process" to do this, if they still declined.\*

So at last the weary business came to a close. Not unsuccessfully, if the Drakes were to be trusted, seeing that matter so foul was brought forward as even to touch Eliot's life; though with the slight reservation that no hearing had been given to Eliot, that no one represented him before the commission, that during the whole of their sittings (now for the last six months) he had been securely lodged in prison for refusing the loan, and that evidence from the books and registers of the Devon admiralty, by which alone any charge might have been colourably maintained, had not been produced at all! Setting this aside, however, and assuming that certain matters were really discovered as alleged, what were they? What was the produce of all that labour and travail undergone for my lord duke's satisfaction, though not brought forth until my lord duke had so embroiled the kingdom in dishonour and disgrace that a parliament had become a necessity, and the abortion, with other noxious things, was swept away? The question happily

\* MS. S. P. O. Drake to "my noble freind Ed. Nicholas, esquire;" from Ashe, the 29th of October, 1627.

can be answered. For, though nothing more was heard of the commission against Sir John Eliot, and everyone concerned had doubtless become eager to have no more said about it, "a breif" of the results of the inquiry had been drawn up at the close of the year, and has survived among the papers at Port Eliot.\*

Let me then exhibit what the charges were that witnesses had been found to allege or to invent against Eliot's honour.

The accusation is divided into four heads. The first has relation to matters in which Eliot had not dealt truly in his accounts with my lord-admiral. The second, to misdemeanours in the exercise of the vice-admiral's office regarding pirates. The third, to sums of money unlawfully extorted from the king's subjects. And the fourth, to undue seizures of goods. Under the first, five instances were alleged; under the second, three; under the third, two; and under the fourth, two. The time over which the enquiry extended was three years, wherein the cases that had fallen within Eliot's jurisdiction on that exposed western coast were to be counted by hundreds.

The first asserted imposition on my lord-admiral was in 1623; when, on account of a seizure "in Causen bay," he had put down only 37*l* as received for four pieces of iron ordnance, whereas one Michael Prior had been found to depose "that at the same time ther was cordage and other goods seized to the valew of eighty pounds." The second similar imposition occurred in 1624; when he charged himself with having received only 22*5l* for thirty-three chests of sugar, whereas John Viguers and Richard Evans, Exeter merchants, were ready to depose that they had given as much as 352*l* for only twenty-six chests. The date of the third was in 1624; when he had charged himself with 512*l* for

\* A copy, less complete, but to precisely the same purport, is in the S.P.O. among the papers of secretary Nicholas.

259 quarters of rye found in a derelict brought into Teignmouth, whereas the officers of the custom-house at Exeter had deposed that no less than 520 quarters were found in that derelict. The fourth was in the same year; when he had given credit for a receipt of 50*l* for the Flying Hare as an old ship of thirty tons burthen, whereas two witnesses, Edward and William Spurway, were produced to depose that they had bought the Hare for 73*l* as of forty tons burthen. The fifth was the ship delivered by the lord-admiral's warrant to Sir Edward Seymour, one of the honourable commissioners, who declared that the vice-admiral had already charged him, "upon accounts between them," with the very sum of 300*l* as his part share which he had further charged in his account against the lord-admiral.

In the matter of pirates, Eliot's alleged misdemeanours were of two kinds. First, that he had suffered them, for a certain composition, to come in safety into the king's harbours and depart again; and secondly, that upon receiving from them money or goods, he had released them from committal without further prosecution or trial. Two instances of the first were stated to have occurred: in July 1626, when "by the hands of " Thomas Hardry his deputy " he took 15*l* from a Dutch freebooter named Jacob Johnson Bounticoco; and in September 1626, when by the same hands he received from another Dutch freebooter two thousand dried fish, afterwards sold for 20*l*: the worthy "deputy" being ready to depose to both transactions. Of the second kind, one instance had been discovered in which, "about three years since," after committing one Michael Rowe and six or seven others as pirates, he released them upon their handing him over some silver bullion: which fact was testified by "John Skynner, goldsmith of Plymouth, and Felix Bell the marshall's wyfe, who sayth "her husband was never payed for their charges lyeing "at his howse."

Both the two alleged instances of "extorting fums of money" from the king's subjects were part of the same transaction in "Caufen bay" already named: this extraordinary charge being supported by the allegation that he had bound over Michael Prior in penalties to the admiralty-court for unlawful dealing in ordnance; and that, after binding over Nicholas Harris to answer in London for the same matter, he had dismissed him, and promised to cancel his bond upon receipt of seven pounds. A confused statement appears also as intended to be added under this head, having reference to the purchase by a Plymouth merchant, one John Cunningham, of a French ship brought in by certain Scotchmen, and restored to France by the vice-admiral. But it is not denied that the restoration was perfectly legitimate; and the charge resolves itself into the deposition of one John Dipford, who "sayth the French who claymed that ship and goods were to give Sir John Eliott 150*l* to free her, of which 50*l* was given to Cunningham, but what became of the rest it doth not appear."

Of the two stated instances of seizing goods unduly, the first was a case of disputed account. The Neptune of London, with a cargo of wines and spirits, had been driven ashore at Salcomb, and the goods sold by the vice-admiral's order; whereon, "being sollicitated by one Robert Barker on behalf of the owners, after two years' attendance he gave an account, where he charged himself with 162*l* (whereas the wines *were worth* 300*l*), and deducted 88*l* charges, besides the king's duties, and after a year more gave his bond for payment of a hundred pounds within a year after, the bond having no date and remaying yet unsatisfied, as is deposed by the said Robert Barker." The second and last case of all, was that of a wreck near Teignmouth of a Sussex bark laden with salt, when, though all the men were saved, "yet Sir John Eliot seized the barck and gave them after only tenn pounds."

Such is a faithful statement of the entire bill of indictment, framed with such infinite labour "uppon examinations taken by commission in the county of Devon in "October last 1627," against Sir John Eliot's honour.\* Abundant material has been afforded for estimation of its value, even apart from what the several cases, and their proposed modes of proof, will not fail to suggest. If, to such a conspiracy of his enemies, aided by every unscrupulous artifice, only a return of so much questionable matter could be yielded out of a life of incessant activity and labour involving personal offence to so many, we may be content to accept the commission and its fruits as a satisfactory tribute to Eliot's memory.

But the momentous interval between the second and third parliaments has been overpassed while this conspiracy against Eliot's liberty and good name was thus in progress, and it is now necessary to retrace that equally deliberate and more fatal conspiracy against the liberties of England.

## V. THE GENERAL FORCED LOAN.

When parliament had been sent about its business, there was of course no way left but to try the "new counsels," of which Mr. Vice-Chamberlain had given warning. What these counsels fell short of, and the reason of their shortcomings, have been stated by Hume, who with much candour explains why the person of the subject and the muskets of the soldiery were not brought into closer connection. "Had he possessed any military force," says Charles's philosophical apologist, "on which he could depend, 'tis not improbable he had "at once *taken off the mask*, and governed without any regard to parliamentary privileges. But his army "was new levied, ill-paid, and worse disciplined; nowise "superior to the militia, who were much more numer-

\* MS. at Port Eliot. The copy in the S. P. O. bears indorsement "R. 18° "Jan. 1627-[8]. A brief of the matters discovered ag<sup>t</sup> S<sup>r</sup> John Eliott."

"ous, and who were, in a great measure, under the "influence of the country gentlemen."\* He might have added that Buckingham had also in view at this time another use for that new-levied, ill-paid, and worse-disciplined army. This we shall shortly see. For the present it is our business to observe to what extent the "mask" was reluctantly kept on, and the degree of regard that was really shown to "parliamentary privileges."†

On the 15th of June, the day when parliament was dissolved, a proclamation was discussed in council whereby the sheriffs were to be called to assemble the freeholders in their several counties to hear the act of dissolution read, and to take their votes for a voluntary levy of what the house *intended* to have granted. This was the regard to parliamentary privileges now to be paid. Four subsidies and three fifteens would have been given by the commons, but for the disordered passion of certain members; and now the king was to desire his loving subjects to be a law unto themselves, and to volunteer what it had been meant to enforce. Incredible as it seems, this course was actually adopted by royal proclamation on the 7th of July, in several counties and cities.‡ In some the attempt was made even to levy the money as of right on the ground that parliament had so far consented as to frame the bill. Where, on the other hand, the proceeding by privy seals was resorted to, or the forms of the old "benevolence" were employed, the rate was still proposed to be made on the

\* *History*, v. 151.

† In reality, as Eliot had declared, there was only one minister. Mr. Bruce has shown, in one of those admirable prefaces to his *Calendars of State Papers*, which, besides supplying a most valuable and interesting comment on the known leading incidents of this important period of history, have directed attention to many new facts and illustrations, that Buckingham was now sole and absolute minister. All the records show that the king was only eager to carry out the objects and wishes of his favourite; and that he did not become his own minister, at any rate for English affairs, until Buckingham's death.

da‡ These documents are in the state paper office under their respective titles of the 15th of June and 7th of July.



scale of the four subsidies. On similar pretences, order was issued under the great seal for levying tonnage and poundage, comprising all duties on exports and imports, which were alleged to be a necessary part of the revenue of the crown, and only not voted by the commons because of their dissolution. A commission was issued for extortion of fines under cover of improving crown lands; and following this went forth another commission to force penalties against religious recusants in a manner that the most ardent puritan could not but account hateful. An immediate advance of a hundred and twenty thousand pounds was peremptorily demanded from the city of London; which was also required, in common with other seaport towns, to furnish a certain number of ships and troops for the protection of commerce in the narrow seas.\*

Hard upon all this came then a proceeding yet more desperate, which history has explained by connecting it with the profound emotion caused by Tilly's defeat of the protestant arms at Lutter, and by supposing that Charles had seized on that event and its consequences to excuse or justify what before he had shrunk from. But this general forced loan, soon to be described, had no such excuse. Historians have overlooked the proof contained in our state paper office, and now to be afforded, that already the king's attempts to raise money, in so far as they made appeal to voluntary efforts, had entirely failed. When he took the more extreme course, therefore, it was not from any hope that his

\* On a former occasion (*Grand Remonstrance*, 315) I have pointed out the importance of always keeping in mind that Whitelocke's *Memorials*, especially in the early portions, is a book never perfectly reliable, being a mere compilation by other hands from authorities for the most part worthless. The very same page containing the mention of the London ships adverted to in my text, makes the preposterous blunder of confounding that loan from London in 1626 under the pretence of guarding the seas, with Noye's invention of ship-money in 1634! And the Clarendon press edition of 1853 is published without a note to correct such manifest absurdities.

subjects would think a forced loan excusable because of the extremity that had befallen a cause to which they were ardently attached, but upon his conviction, deliberately formed, that as the people refused to concede he had the right to compel.

The city of Bristol was the first to remonstrate against the plan of completing what parliament had left unfinished. It had undergone such great losses by the stoppage of trade with Spain, that it could not yield what was asked. The magistrates of Suffex next told the council that they had not been able to collect 120*l*. Everything had been done to move the people to voluntary gift; but they pleaded their poverty and wants to be such as prevented them from giving in the way required, though in a parliamentary course they would strain themselves beyond their ability. The Earl of Devonshire and the justices of Derby wrote from Chesterfield to say, that the end of all their endeavours to raise a free gift in the county had been a return of twenty pounds and four shillings, to which the justices had added ninety-one pounds from themselves. The general answer had been, a denial to give anything unless by way of parliament; and there had not been forty givers in the whole county. The Leicester justices wrote from Loughborough to say, that their utmost endeavours had been used for a voluntary supply; but of the people most cried for a parliament, some pretended want, divers the pressure of other payments, and none would give. The Earl of Suffolk told Buckingham that he had assembled his county at Bury; and that they answered him they could not give, that the government did not protect them and they could not live, for that their ships were taken and fired in their havens before their faces, insomuch that they durst not look out of their ports. From East Dereham the Norfolk justices wrote to the council, that they could not get as much as the proportion of half a subsidy; for the greater number had

flatly refused. From Chelmsford the Essex justices protested their affection to supply his majesty; but they had ascertained the general desire to be that this should be done in a parliamentary way. The deputy lieutenants of Devon addressed Francis lord Russell upon the hopelessness of having recourse to any kind of supply but that which from its antiquity and indifferency of persons would alone be tolerated by the subject. So, from Oakham, said the county of Rutland. So, through Wentworth's father-in-law and Henry lord Clifford, said the county of Cumberland. So, through the justices, said Northumberland. So, Westmoreland. From Alresford the justices of Southampton wrote that there was no hope of levying money in that county but by help of law. From Worcester the justices wrote that the county were ready for his majesty's service with their lives; but that they would not give in any other way save by subsidies granted in parliament, and not so much as twenty pounds had been subscribed. From Surrey Sir George Moore sent the same reply. From Wakefield the justices of the west-riding wrote to lord-keeper Coventry, that in answer to requests for eight hundred they had not received thirty pounds. From Newborough the north-riding justices wrote that whereas all were willing to give in a parliamentary course, seventeen pounds six shillings and eightpence was the entire amount they could now send.\* The east-riding justices grieved to have to send only good words and humble excuses, but they had had no offers. From Nottinghamshire the council were told that a few of the justices offered 70/; but that the people generally refused, otherwise

\* There is another very striking communication from the north-riding justices describing certain districts in the county as entirely too poor for any gifts, living at racked rents, their landlords not dwelling among them, hemmed in by water on one side and by great waste moors on the other, while the sea, which formerly brought them profit, was now so haunted with pirates that no ships dared pass, nor fishermen hardly ever ventured out.

than by the ordinary and usual way of parliament. The justices of Herts informed the council that in spite of the most earnest persuasion and example, only some few people in two of the hundreds had yielded to give a few small sums. As for the county of Bucks, the council were obliged to complain that the justices there had entirely neglected even to ask for a free gift. From Eliot's county the reply was highly characteristic, and bore his personal stamp upon it. Writing from Truro the Cornish justices told the council, that money was extreme scarce, and the gentlemen of the county could not give in the manner asked; but if his majesty would be pleased to summon a parliament, they would be ready, by sale of their goods or what else they had, to give satisfaction to the royal desires in such parliament; and as to the common people, they had ascertained that there was not a single parish which, if it had but two kine, would not sell one for supply of his majesty's and the kingdom's occasions in a parliamentary way.\* It hardly needed Bagg's letter to Buckingham of something less than a fortnight before, to assure his grace that but for the activity of "the Eliot faction" neither Devon nor Cornwall would have been overruled by ill example.†

The bulk of these answers had been given at the close of that month of August, on the 27th day of which Tilly won the victory that seemed for a time to imperil the very existence of Protestantism in Germany. The alternative, therefore, had already been presented to the English king, of raising money by the way of a parlia-

\* All these replies are among the MSS. in the state paper office under the dates respectively, in the order in which the places are given in my text, of August 15th (Bristol and Suffex); 17th (Derby); 18th (Leicester); 22nd (Suffolk); 24th (Norfolk); 30th (Essex); 31st (Devon, Rutland, Cumberland, Northumberland, Westmoreland, Southampton, Worcester, and Surrey); September 11th (West Riding of Yorkshire); 15th (North Riding); 22nd (Notts); 23rd (Herts); 29th (Bucks and the Yorkshire East Riding); and October 7th (Cornwall).

† MS. S. P. O. Bagg to Buckingham. 22nd September 1626.

ment or by ways more desperate than he had even yet attempted. There cannot be a doubt that he had made his choice before his brother-in-law's extreme peril.

The truth was, that Buckingham's reckless passion and disordered vanity were now bent upon war with France. There was not a shadow of reason or necessity for such a war, to which indeed every consideration of prudence and humanity was vehemently opposed; but it had for some time become manifest that the seizures of ships, and other affronts to the French court, carried with them that precise design which Eliot had much earlier detected and denounced, and which formed the basis of his eager prosecution of the case of the *St. Peter of Newhaven*; and every warning he had given of danger to the state from the continued presence of Buckingham in the council was now to receive its ample justification. Without provocation or excuse, and at the moment when dangers were imminent from a war with Spain at which the highest statesmanship, unsupported by parliament or people, might have shrunk dismayed, England was dragged into another war with the country whose alliance she had so lately courted, and by continued friendship with whom the protestant league, already made the scapegoat for so many sacrifices, could alone be maintained; and the poor weak king, powerless of help for his sister's husband, unsheathed the sword against his young wife's brother. The dismissal of Henrietta's French retinue was followed by graver insults to French commerce; secret emissaries from Rohan and Soubise were received; the man whose treachery had been so lately directed against Rochelle went into rehearsal for the part of her deliverer; and the great fleet that had been in alleged preparation for the Algerine coast, and against the Barbary pirates, was soon to take another destination. In all this the recklessness and indifference of playing with the peace and happiness of nations appalled every thinking man. It was now remembered that during the

Christchurch comedy at Oxford\* an expression had fallen from Buckingham, that if the commons would give the money that had been asked "they might *choose* "their enemy." This had been regarded then but as a flourish or bravado of conciliation; but the saying was now gravely repeated, in proof that peace or war depended really on one man's caprice, and that no treaties were safe as long as he continued to govern.†

In the absolute inability, indeed, to find any reasonable cause for this war with France, the historians have agreed to ascribe it to a motive on the part of Buckingham which would be incredible of any other person in history to whom had ever been committed the guidance of the government of a nation. That he should be believed to have deliberately involved in hostilities two such countries as France and England, because Richelieu had interposed to his amatory attempts on the young French queen a bar which he could only overleap by entering Paris with the privileges of a conqueror,‡ may be

\* See *ante*, i. 391-7.

† See *Rusbrovorth*, i. 494. ("A speech without doors.")

‡ Three distinct efforts to enter France, made by Buckingham within a few months of each other, were certainly successfully repulsed by Richelieu. The first openly and directly, when, immediately after the dissolution of the first parliament, the cardinal, offended by the proposed embassy to demand a restoration of the lent ships and to mediate for the huguenots, refused to receive the duke as ambassador; the second through the queen mother, who refused his personal visit for settlement of her daughter's domestic quarrels; and the third through the king himself, who refused Bassompierre's request that the duke might revisit Paris to bring about a better understanding in the matter of the reprisals at sea. The motive for his eager wish, and the secret of its effectual disappointment, are in the same passage explained by Clarendon: "In his embassy in France, where his person and presence was "wonderfully admired and esteemed (and in truth it was a wonder in the "eyes of all men), and in which he appeared with all the lustre the wealth of "England could adorn him with, and outshined all the bravery that court "could dress itself in, and over-acted the whole nation in their own most "peculiar vanities, he had the ambition to fix his eyes upon, and to dedicate "his most violent affection to, a lady of a very sublime quality,"—in short, to end the reader's impatience and this interminable sentence, he fell in love on that occasion with the young French queen, Anne of Austria, and was thought to have been listened to with at least more favour than that greater

accepted as at least decisive of the influence he now exercised, of the reputation he had won for himself, and of the condition of inconceivable weakness to which his dictatorship had brought the king. Clarendon certainly believed it; Madame de Motteville vouches for it in all its details; and it is fully accepted by all the later historians except Carte, who is far from successful in trying to discredit it.\* Here however it suffices to state, that the war was actually entered on, and that the pretences or causes alleged for it were three. The first was the refusal to permit Mansfeldt's expedition to pass through France; the second was the recent capture of English merchant ships; and the third was the alleged failure of promises to the huguenots of Rochelle. The first, if it could ever have been pleaded as a cause, had been condoned by the French marriage, contracted subsequently; the second was but just reprisal for such outrages as Eliot had exposed in the matter of the Newhaven ship; and the third was a mere dash for popularity, in too sudden and violent contrast with the surrender of Pennington's fleet to be entirely successful with the protestants of either country. Could the members of the

statesman but less successful lover, the cardinal Richelieu, who, having failed himself, resolved that the other should not succeed. See *Madame de Motteville*, i. 231; *De Retz*, iv. 185; and *Cabala*, 252-3.

\* See his *History*, iv. 132. The most temperate and able of all the statements of the case that I have found is in *Lingard*, vii. 155-172 (Ed. 1854). He pronounces the account given by Madame de Motteville, and Clarendon's statement, to be substantially true; but he throws much light on the means taken by Buckingham to invent outward pretenses for the act he had inwardly resolved. He inflamed the first petty quarrels of the newly-wedded king and queen until occasion offered for an affront to the French monarch by violent dismissal of his sister's Roman-catholic household. He backed out of stipulations in the marriage treaty so as to give France excuse for declining the treaty offensive and defensive which was to have been a condition of the marriage. He involved the coasting ships of the two nations in perpetual disputes by such conduct as Eliot had exposed in the Newhaven ship. And the very interest in the huguenots of Rochelle which his own outrage upon them had intensified throughout England, he made finally his excuse for pretending that the English king had no honorable alternative but to assume the position of protector to the French protestants in revolt. Hence the war.

commons, now returned to their various counties, have had more prompt justification of all they had suffered and sacrificed to break down the influence of Buckingham, than this unprovoked and wicked war ?

Out of it arose, of course, one immediate and overpowering necessity. At whatever risk or cost, money must be had ; and the so-called voluntary project having failed, a GENERAL FORCED LOAN was resorted to.

The proclamation went forth on the 7th of October. A sudden exigence was pleaded, and a promise given not only that the present measure should not be drawn into a precedent, but that a parliament should be called as soon as possible, and repayment made, out of the first voted subsidies, of all that was now advanced. The clergy were written to, and instructions were drawn up by Laud to make the pulpits more available for plunder of the people, and to identify the church with the state in a conspiracy against their liberties.\* Commissioners were named in every county, with direction to take the last subsidy-book for their guide, exacting from each person in that precise ratio ; and with a commission almost unlimited to deal with the refractory. Empowered to examine these on oath, and to require avowal not merely of the motive of their refusals, but of the names of their advisers, the commissioners were also to be armed with means more than inquisitorial of enforcing

\* Who can read these "instructions" now, and have any doubt of their intention, or of the real origin of the king's gratitude for what Heylin calls that "dexterous" performance ? "We have observed," Laud makes the king say, "that the church and the state are so nearly united and knit together that . . . they may be accounted but as one . . . This nearness makes the church call in the help of the state to succour and support her whensoever she is pressed beyond her strength. And the same nearness makes the state call in for the service of the church, both to teach that duty which her members know not, and to exhort them in, and encourage them to, that duty which they know." *Heylin*, 162. Laud himself describes them as "*partim politicas partim ecclesiasticas*." *Works*, iii. 195. See them at length in *Rushworth*, i. 418-9. Among Eliot's papers at Port Eliot I have found copies of all of them, carefully transcribed in his own hand.



secrecy in regard to all questions and answers.\* While the notable scheme was hatching, Bagg smelt it out with the instinct of one of the fouler creatures, and, eagerly volunteering service, hastened to see what prey could be seized for himself and his friends.

He wrote to Buckingham on the 16th of October. He alludes in his letter to the benevolence, to its failure in that western county, and to the ungrateful villain Eliot; he talks contemptuously of the cry of the vulgar for a parliament, "thinkinge that to be the waye "unto their ends and their libertie;" for his own part he grieves that already they have so much liberty; and he declares that his heart desires nothing more than that his majesty's coffers should be full. After which he propounds what is the pith of his letter. The success of the new commission would greatly depend on the time being so judiciously directed as thereby its action should be simultaneous in every part of the country, leaving no time for evil precedents and examples; but above all, "by a choise selectinge in the severall counties for commisioners such gentlemen as stand best affected to his "majesty's service, and such as by their owne examples "will guide others unto the same. And for your "grace's better knowledge who ar fittest for that service "in these partes, I have presumed to inclose a list of "such in the counties of Cornewall and Devon, and "amongst those in Cornewall to recomend to yo<sup>r</sup> most "especiall favor my noble friend——."† And then,

\* "And when afterwards I saw that men were to be put on their oath "with whom they had had conference, and whether any did dissuade them, "and yet further beheld that divers were to be imprisoned: I thought this "was somewhat a new world. Yet all this while I swallowed my own "spittle, and spake nothing of it to any man." Abp. Abbot's *Narrative*, 455.

† MS. S. P. O. Bagg to "my lord the duke": from "Saltram, this "16<sup>th</sup> of Octo. 1626." In proof that this abominable suggestion, of ruling everything in the counties by men chosen for their servility, found eager acceptance, I may quote a subsequent letter of Bagg's to the duke (29th November 1627) in which he dwells on the advantage of having "a "choise and a well-affected provincially government, which for the most parte

of course, he drags forth once more the eternal Mr. John Mohun, who studies nothing so much, night and day, as to honour his grace, and to advantage his majesty's commands; and if his grace would but hand over to him the chief care of his majesty's affairs in that county, Bagg will be pawn for his wisdom in managing the same; and, might it further be thought good to comply with Mr. Mohun's desire for "an English honour," Bagg has convinced himself that his grace's affairs in those parts, and the business of his majesty, would be thereby incomparably advanced.

Bagg's petition was received with favour, as we shall see, and all his hints were eagerly acted on. Not merely the selection of collectors for the loan, but much of the billeting of soldiers in the west, was put under his special charge; and he set about both with a zeal that might hardly have seemed capable of additional relish even from personal hatreds. Yet this enjoyment he appears also to have drawn from it. When he discovered, for example, some few months from the present date, that the homes of the poor people in a small Cornish borough had not been turned into barracks for sick and hungry soldiers, he bethought him that this borough, which happened to be no other than St. Germans, was "the town where Sir John Eliot lived," and, straightway communicating with the elder Drake, both of them wrote up to tell the duke's secretary that St. German's, Eliot's town, by an extraordinary oversight, had been "exempted from the taking of soldiers."\*

To this man, then, and to others as far as possible

"doth guide the affections of the people." To what the people's affections should be guided, he explains in the same letter, as "to glorify his majesty in his regall power, and to honour your grace his undertakings. And let not my soule enjoy his desired happyness if to the end I intend not both." He signs himself the duke's "most humble servant and slave." MS. S. P. O.

\* MS. S. P. O. Drake to Nicholas, 14th Oct. 1627. "Sir James Bagg told me," Drake adds, "that he had written to you of this strange business."

resembling him (Sir George Chudleigh and Sir Bernard Grenville, active in the commission against Eliot, were made his colleagues), the extreme powers of the state were committed for the furtherance of this forced loan ; and in such hands, it may readily be supposed, no possible harshness was abated, nor any inquisitorial power unused. They had other more fitting instruments, too ; the influences applied being desperate from the first, as the case was known to be. The church did her part with slavish eagerness, incited not alone by Laud's political instructions, but by a bribe which had earlier been given to her. For, hardly had parliament been dissolved when the still growing influence of that too active zealot, raised then from St. David's to Bath and Wells, had declared itself in the ill-fated manifesto against all innovation in the church's doctrine or discipline which was enforced by so many cruel star-chamber punishments. The church henceforward was to be unquestioned in her doctrine as well as supreme in her discipline. Puritanism was to be gagged and silenced, only to give unlimited sway to her persecutors. With double fervour, therefore, pressed into the service of the loan, on all sides high-church pulpits now echoed with the cry of the highwayman, improved into 'your money or your life 'eternal!' Under the Instructions, obedience without limit was preached on pain of everlasting damnation ; \* and

\* Prominent among divines who so preached were two, afterwards singled out for special favor, Sibthorp and Manwaring, whose sermons, condemned by the archbishop of Canterbury, were published by way of warning and example with the title of *Apostolical Obedience*, under license of the bishop of London. (Mountaigne, however, and not, as Lingard and all the historians have assumed, Laud, who was not metropolitan until a year later). Doctor Sibthorp preached at the Lent assizes at Northampton the doctrine that the prince did whatsoever pleased him, and even if he commanded anything against the laws of God or of nature, or impossible, yet subjects were bound to undergo the punishment without resisting, or even railing or reviling ; and so to yield, though not an active, yet a passive obedience. Doctor Manwaring preached, twice before majesty at Whitehall and repeatedly in his parish of St. Giles's, that the king's royal will in imposing loans and taxes required no authority from parliament, and that his

under the Manifesto, penal consequences in this world promptly administered brought nearer what was threatened in the other. While the country was yet overrun with disbanded soldiers, new commissions for musters went out; and martial law accompanied them.\* The poor who could not or would not pay, were pressed into the army or navy; tradesmen were dragged from their families and flung into common prisons; and upon quiet humble homes, in the midst of wives and children, were quartered the remains of the disgraced and infamous troops that had survived the affair of Cadiz.

As to that humbler class of sufferers, history for the most part is necessarily silent; but a glimpse here and there sufficiently shows us that the endurance and self-denial which now so distinguished men of rank and wealth, were not less nobly evinced by the lowborn and the poor. "Nay, sweetheart," wrote George Radcliffe † from the Marshalsea to his wife, eager to have him with her to eat his Christmas pie at Overthorpe, "*now* it shall be thought that I prejudice the public cause beginning to conforme, which none yet hath done, of all that have been committed, except two poor men, a butcher and another, *and they hooted at like owles*

command in any urgent necessity obliged the subjects' conscience on pain of eternal damnation. This man, afterwards severely punished by parliament, was ultimately rewarded with a bishopric. See *Rushworth*, i. 422-3.

\* "The companies were scattered here and there in the bowels of the kingdom and governed by martial law . . . nevertheless the soldiers brake out into great disorders. They mastered the people; disturbed the peace of families and the civil government of the land; and there were frequent robberies, burglaries, rapes, rapines, murders, and barbarous cruelties. *Unto some places they were sent for a punishment*" (as Bagg got them sent to poor St. German's); "and wherever they came, there was a general outcry. The highways were dangerous, and the markets unfrequented. They were a terror to all, and undoing to many." *Rushworth*, i. 419-20.

† "To his right deare and lovinge wife." 19th May 1627. "God hath blessed us at Overthorpe with many comforts," says the kind-hearted husband, "and I hope in His mercy He will continue them. But they would scarce be comfortable if they should be held either with an unquiet minde, or with public infamie and shame." *Whitaker's Life of Radcliffe*, 148-150.

"amongste their neighbours!" An exception worth having in the rule it proves, and the picture it affords, of the poor confirming the rich in the example set by themselves.\*

Most promptly had it been set. The new commissions were in operation early in November 1626, and before the end of that month Rudyard wrote to Netherfole that a great blow had been inflicted on the design by the determined refusal of Lords Warwick, Essex, Lincoln, Clare, Bolingbroke, and Say.† From that day resistance went on. Early in January, the commissioners for the loan at Northampton reported that a combination of twenty-two of the principal gentry had carried against it more than half the shire.‡ Throughout that and the following month, "no" rang incessantly from all parts of England. Printed copies of the remonstrance of the parliament were everywhere dispersed, in defiance of the king's proclamation ordering it to be burnt.§ At the close of January, Mr. Hampden was bound in a five hundred pounds penalty to answer at the council-board. || In

\* Rushworth has described (i. 422) the numbers of men in humble life in the parishes within Westminster liberties who absolutely *refused to say they were willing to lend if able*. "Whereupon the council directed their warrant to the commissioners of the navy to impress these men to serve in the ships ready to go out in his majesty's service." Nor was this humble heroism confined to the metropolis or its neighbourhoods. "The six poor tradesmen of Chelmsford," wrote Lord Haughton to Wentworth, "stand out stiffly, notwithstanding the many threats and promises made them, which made one say that honour, that did use to reside in the head, was now like the gout got into the foot." *Strafford Disp.* i. 38.

† MS. S. P. O. Rudyard (from Whitehall) to Netherfole: 1st of December, 1626. There was afterwards a proposition made by Lord Dorset at a full council-table, in presence of the king, to commit the recalcitrant lords, which was defeated by a majority of only two. "Howbeit, their lordships, for all their escape, are put into the black book." Letter to Mede, Dec. 1626.

‡ MS. S. P. O. The commissioners to the council. 12th January, 1626-7.

§ John Rous says (*Diary*, 4) that the king's proclamation was thought unusual as having "no counsellor's handes to it," and being worded throughout in the third person. Did the king already assume absolute royalty?

|| MS. S. P. O. The bond bears date 26th January 1626-7, and had been

the next month, Philips, Wentworth, Erle, Strangways, Grantham, Luke, Hotham, Knightley, Barnardiston, Grimston, Corbet, Coryton, and Eliot were successively reported to the council. "I hear there are more of you "sent for," writes Denzil Holles, himself a recusant, to his brother-in-law Wentworth; "fourteen out of York-shire, eight out of Cornwall, *cum multis aliis quos nunc "perscribere longum est; or rather quos non proscribere "longum est, for that is the English of it."*\* In the middle of March sixty-eight refusals were sent up in a batch from one district in Lincolnshire, where the people also attacked the house occupied by the commissioners. The northern parts resisted almost from end to end. Shropshire, Devonshire, and Warwickshire "refused "utterly."† And at last the council-table were startled by hearing that in more than one county the very commissioners appointed to collect the loan had themselves refused to pay it.‡

Meanwhile Buckingham went desperately forward. Bent upon the war, into which he had plunged so madly, and by which already he had broken up the league whereon he and his creatures had built hitherto their whole defence for all the misgovernment of the reign, he applied everything wrung out by the loan, which notwithstanding these drawbacks was not inconsiderable, to the naval preparation in hand; and to all advice or

endorsed at the council-table by Lord Holland and the Duke of Buckingham. Hampden already was a marked man. "I do think," wrote one of the deputy-lieutenants of Bucks on the occasion of the privy seals going out for the Cadiz expedition, "I do think Mr. John Hampden "to be 13*l.* 6*s.* 8*d.* and his mother 10*l.* is a harder rate than I finde upon "any other." *Verney Papers*, 120.

\* *Strafford Disp.* i. 40-41.

† Letter to Mede of February 1626-7. *Court and Times of Charles I.*, i. 189-90. "What dire events," adds the writer, "may this next summer follow upon this, together with the enmity of Spain, France, and "Flanders, God only knows and can avert!"

‡ This happened in Essex (19th Feb. 1626-7), in York (25th Feb.), and other places. All the facts stated in the text are from MSS. in the S. P. O.

complaint he replied only by fresh outrage. By way of punishment to Wentworth, he gave old Savile the promotion to which his service in the last parliament, and his present submission, well entitled him; and hounded him on to acts of tyranny in Yorkshire. He wrote with his own hand to members of the peerage, warning them of the consequences of refusing to lend. He travelled himself through Buckinghamshire and Bedfordshire to endeavour to overawe refusers.\* Upon suspicion of having spoken against it in Leicestershire, he flung his old friend and right reverend the ex-lord keeper into the Tower; and, for refusing to license Sibthorp's sermon, he suspended archbishop Abbot.† But while individuals thus were singled out, whole counties waited to be dealt with; and the council-table were fairly at their wits' end as the struggle still went on.

The first step taken was to remove the principal recusants into confinement in counties away from their homes, from which they were to be ultimately brought up in batches to the council board, and remitted thence on continued contumacy, according to their degrees of offence, back to their former confinements, or to various London prisons. Thus for the present the Yorkshire gentry were sent into Kent, the Dorsetshire into Bedford, the Londoners (chiefly recusant aldermen) into Lancashire and Yorkshire, the Lincolnshire into Dorset,

\* MS. S. P. O. Buckingham to Henry earl of Northumberland. 1st of February, 1626-7. Letter to Mede, January 26, 1626-7.

† The archbishop says of his own suspension, that the duke's real motive was to get rid of him at the council-table: "for, saith he, if I were gone he (myself) would be every day at Whitehall, and there cross all things that I have intended." (*Narrative*, 445). Laud thus drily records the suspension: "Julii 4 (1627). The king lost a jewel in hunting, of a 1000*l.* value. "That day the message was sent by the king for the sequestering of "A. B. C." It is to be remarked of superstitious people generally that they are never able to turn their superstition to good use. If Laud had bethought him to put this and that together, the lost jewel and the suspended archbishop, he would for once have read truly the conjunction of the planets, and might have taken warning against the dangerous elevation that awaited himself. Already (*Diary*, 2nd Oct. 1626) he had exultingly recorded the king's promise to him "in case the A. B. C. should die."

those from Suffolk and Cornwall into Suffex and Somerfet, the Northamptonshire men into Southampton and Wiltshire, the Essex men into Northamptonshire, and the men of Bucks into Hampshire.\* But with the second step of bringing up the refractory to Whitehall the real difficulties began. It might not be dispensed with, because the wavering were to be brought to submission by the terrors of the council-table; but it was found to be impracticable. Such numbers were brought up as at once to stop all business, and nothing could be done. The prisons filled, yet the crowded passages to the council-board were not emptied. As many as two hundred of the leading gentry of England, Radcliffe tells us, would be in attendance three days a week for as many as five or six weeks incessantly; unable to get their hearing. At last it was discovered that there must be limits to putting the majority of a nation into prison; selections had to be made; and power was vain to be content if, in the cases it was able to reach, its arm might be felt the more heavily.

Bagg had reported Eliot as a recusant as early as the middle of October 1626, yet not until the beginning of June in the following year was he finally deposited in the Gate-house. On the 23rd of May the duke's man exultingly informed the duke that Eliot was at length gone with Coryton to London "nowe or never to "receave his reward;"† and on the 27th of the follow-

\* MSS. S. P. O. Lord President Manchester to the king, 4th July, 1627. Lifts will be found in *Rusworth*, i. 428. The great object was to send them generally as far as possible from their homes. I find a letter of Lord Conway's to the Lord President (S. P. O. 5th Sept. 1627) desiring him to examine whether any of the refusers of the loan be placed with their kindred or friends? If there be, he is to remove them.

† MS. S. P. O. Bagg to Buckingham, from Plymouth. In the same letter he puffs off what he has been doing for the duke "by myselfe and "w<sup>th</sup>out y<sup>e</sup> helpe of S<sup>r</sup> John Drake: lett him receave y<sup>e</sup> reward of his owne: "myne deserves nothinge from yo<sup>r</sup> grace, for to you I am indebted by liefte "and what I am." There is also an allusion explaining one cause of the delay in bringing Eliot before the council-table. "I doubt not but the "commiffion for Elliot is amended." He further gratifies his mean nature



ing month, Buckingham, leaving his most active enemy so lodged in a London prison, sailed for Rochelle.

## VI. THE EXPEDITION TO ROCHELLE.

The conspiracy against Eliot had in one respect been thus far successful, that, failing to reduce him to beggary, it had forced him to put on its appearances, and to become at least in outward seeming a necessitous man. Between the winter of 1626 and the summer of the following year, he had been compelled to resettle both his personal and real estates, and assign them over in trust from his own keeping. Upon the act depriving him of his vice-admiralty, and dividing it between the men whom we have since seen quarrelling incessantly over the spoil,\* such a step had become necessary for protection of his wife and children. Thus, when attachments were obtained against him from the admiralty-court in the spring of 1627, it was labour lost to attempt to serve them at Port Eliot; nor will any attempt to serve them at the Gate-house be likely to prove more successful. What use was sought to be made of this by his enemies we shall shortly see. He made further necessary changes in the legal trust on the death of his wife, and afterwards on that of his father-in-law: and we shall find him, during his last captivity, devising fresh arrangements "for the manage of that poor fortune which through the envie of these times I may not call myne owne."†

by assuring his excellence that Eliot, Coryton, and Sir Fernando Gorges "were y<sup>e</sup> only men that gave service and visite to y<sup>e</sup> E. of Warwicke, *"who little loves your grace."*

\* I may here so far anticipate as to state that these quarrels over their ill-gotten gains were found to involve such bitter mortifications for both, that in September 1628, during the recess between the sessions of the third parliament, Sir Edward Seymour wrote urgently to Nicholas for his intercession to procure him the vice-admiralty, on the ground that both Bagg and Drake had become "weary" of it. MS. S. P. O.

† MSS. at Port Eliot. 28th February, 1630-1. This is one of the letters Mr. Disraeli has printed (*Com. i.* 539, ed 1850) substituting "disturbances" for "envie," and "management" for "manage."

While yet Buckingham paused before his great venture, and Bagg had to wait another month before reporting that his principal opponent was "laid by the heels," there were other things beside his fortune that this "envie" grudged Eliot for his own. His movements were watched, his footsteps dogged everywhere; and upon arrival of Lord Warwick in Plymouth, where Eliot then was, repeated reports of espial as to both were made to the duke and his secretary. Truly there was little to tell. Eliot's friendship with Warwick was as notorious and little disguised as the duke's own intimacy with Warwick's brother, Lord Holland. But those were days when men could not meet as friends, if hostile to Buckingham, without being suspected as conspirators; and Warwick's patriotic purpose of now serving against Spain, which the government had not dared to resist, had yet in no respect abated the animosity provoked by his refusal of the loan. Here was Bagg's welcome to an earl who had come to Plymouth in command of an expedition for the service of his country, and was about to sail with it as its admiral.

"His lordship's resting place," he informs his most gracious lord, "is at the house of one Jennens, Elliott's freind; and his lo<sup>pp</sup>'s invyted famyliars, as soone as ever he put foote a shoare, was that pattren of ingratitude Elliott, and malicious Corryton; w<sup>ch</sup> two are associated w<sup>th</sup> a man noe les true to his freind, S<sup>r</sup> Fernando Gorges.\* All w<sup>ch</sup> seemes to be reputed his lo<sup>pp</sup>'s bosome freindes; and the true reporters of his lo<sup>pp</sup>'s little affeccon to his ma<sup>ties</sup> service, and greater to yo<sup>r</sup> grace's enymyes." Expressing then his much disquiet at the delays interposed to the report of the Cornish commissioners for the loan, he declares his belief that "it will now be shortlie sent, and then I hope his ma<sup>ties</sup> will be pleased to make those that thus disaffectionately

\* See *ante*, 329, &c.

“differve him examples for tymes to come. I p<sup>t</sup>iculler  
 “to yo<sup>r</sup> grace thus much becaufe yo<sup>r</sup> may discearne  
 “the lo. of Warwicke’s wayes, w<sup>ch</sup> breeds muche  
 “wonder in these partes, that he elects and invites *those*  
 “to be his freindes!” He closes with characteristic  
 assurance that he will be watchful as a spy upon his  
 master’s enemies, and faithful as a servant in obedience  
 to his master. “I will looke upon their wayes; and  
 “by myne they, or whoe els y<sup>t</sup> will obserue them, shall  
 “knowe me to be y<sup>r</sup> grace his true and humble servant,  
 “JAMES BAGG.\*”

That was on the 20th of April. Six days later the  
 same worthy wrote to his “beloved friend” the duke’s  
 secretary, to tell him that “the Earle of Warwicke and  
 “Ellyott still confort;” and in connexion therewith,  
 “that Sir Jo. Drake’s collector, Mr. Jeninges, the  
 “lord of Warwicke’s servant and Elliott’s right hand,  
 “now shoves himself and his regard to the duke.” To  
 the duke himself he wrote, the same day, to inform him  
 that “y<sup>e</sup> Ea. of Warwicke and his friend Elliott are still  
 “together, and still walke in the way they entred.”†  
 Three weeks afterwards he sent another like report; with  
 new scandal as to “Sir Fernando Gorges’ waies not  
 “straight to serve yo<sup>r</sup> grace,” and with intimation that he  
 should himself be in waiting on his grace’s arrival at  
 Portsmouth.‡ On the 25th his grace arrived; and, when

\* MS. S. P. O. Bagg to “his excellence my lo. the duke of Bucking-  
 “ham. Plymouth 20th April, 1627.” Indorsed by the duke: “R. 24  
 “Aprill. E. of Warwick arrived there 19<sup>o</sup> and conforteth with Elliott  
 “and S<sup>r</sup> Ferd. Gorges.”

† MS. S. P. O. Bagg “to my worthy freind Ed. Nicholas, Esq. &c.  
 “Plymouth 26th April, 1627;” and, same date and place, to “his grace  
 “my most gracious lord.”

‡ Bagg “to my lord the duke. Plymouth the xvij of June, 1627.”  
 It is not an agreeable subject, or matter might be drawn from all these  
 letters to shew, in other cases as well as Eliot’s, not only the base character  
 of all Bagg’s offices, but the entire acceptance of them by Buckingham.  
 Thanking him for such in the present letter, Bagg adds characteristic com-  
 plaint about a collectorship which had been given, out of the Eliot spoils,  
 to Drake and not to himself. “In ports where I have charge I will take  
 “such care both of your hono<sup>r</sup> and p<sup>r</sup>fit as at last yo<sup>r</sup> grace will find my

three days had passed, Bagg's worthy and beloved friend at the admiralty was made acquainted with what chiefly had been the subject of the conference.

Eliot, it will be remembered, was by this time in the Gate-house; and the duke and Bagg, at this last interview, had been resettling the magistracy of the county, so that Eliot's leading friends should be put out of the commission. Some months before, the office of vice-warden of the Stannaries, a place of great influence and power in Cornwall, had been taken from his associate Coryton, and given to Bagg's great friend Mohun. Another friend was now to be "outed" of his deputy lieutenancy. And finally, order of council was immediately to come down, to send for all gentlemen of the county that refused to lend. "His grace," Bagg writes up to Nicholas, "is verry desierus to have this done, and I know it will tend much to the advantage of his ma<sup>ties</sup> service in these partes, and make these westerne people sensible that

"not being yo<sup>r</sup> collecto<sup>r</sup> at Plimouth, the place of my abode, hath tended to yo<sup>r</sup> disprofitt, and somewhat to my disgrace: but what soever is yo<sup>r</sup> will, let that be done, for I will live and die, yo<sup>r</sup> excellence his most obedient, humble, and true servant, JAMES BAGG." Not at the same time without remonstrance, even from men in the service of the court, were this man's practices observed. At the very period to which these letters refer, a sea officer of good reputation, Sir Robert Killigrew, was writing to Lord Conway to warn him that if the same powers were continued to Bagg that he was then exercising, there would be "a great clamour;" to implore him at least so to intercede for an old officer as that "I may not be the law and S<sup>r</sup> James Bagg the gospell;" and to relate the following: "At my first coming I had a tickett from a base fellow, S<sup>r</sup> J. Bagg's deputy, or deputies deputy, for he hath such yett two degrees lower, to command the forts to stay a ship; for w<sup>ch</sup> I have written S<sup>r</sup> James Bagg a scurvy letter, because he knew I had warrant before to do it, and could do it to no other end but in scorn." Nevertheless the good Killigrew has to add a postscript: "Since my denying S<sup>r</sup> J. Bagg's first release of ships, because he mentioned no power but his owne, he hath thes enclosed, w<sup>ch</sup> I have yealded unto because he sayeth he hath warrant from my lo. duke. I beseech your lo. to know if he have or no! Your lo. may wonder why I trouble you w<sup>th</sup> these trifles, but the unfufferable pride of this fellow is such that it is not to be indured, and hath made his brags that he would use me as he did others." Killigrew had finally to submit. MS. S. P. O. 14th June, 1627. I give this, as one from many examples, of the esteem in which this man was held even while his persecution of Eliot went on.

"Elliot and Corryton doe not only lye by the heeles for "my lorde's sake." \* In other words, it was the lord admiral's last wish before he failed to blunt the suspicion he was conscious of having raised, that personal animosity, and not the public service, had prompted his proceedings against Elliot.

Buckingham left Portsmouth on the 27th of June with a fleet of nearly a hundred sail, of which between forty and fifty were ships of war. The land army that accompanied him numbered nearly seven thousand men, and included a squadron of cavalry and a considerable body of French protestants. Not many officers of repute went with him; but of these the most distinguished were Sir John Burroughes, Sir William Courteney, and Sir Henry Spry; † men who had served in Elizabeth's Flemish wars. There was however, says Clarendon, hardly a noble family in the kingdom that had not contributed to the enterprise a son, a brother, or some near kinsman; ‡ and among the many applicants for a company who had not succeeded in their quest was one Mr. John Felton, a gentleman of morose disposition, "formerly lieutenant to Capt. Lee," who turned away upon his rejection with a sore grudge against the general. §

\* MS. S. P. O. Bagg to Nicholas, from "Hampton this 28th June, 1627." Bagg is excessively anxious to have the new commission of peace sent him "by packet so as it be at the assyses by tewe/day sennight at Lawneseston elst will they continewe untill lent assyses next."

† Of these three, only Courteney may be said to have survived. Burroughes was killed, and Spry died of grief in the month following his return. "Though I am returned safe," said the brave old man to his wife, "my heart is broken." "It was," writes Mede to Stuteville (December 15, 1627), "his great sorrow and compassion for those commanders who were slain in his fight, and, as his modesty made him say, all far superior unto himself; and thus died within a day after."

‡ *Hist. of Rebel.* i. 65.

§ Clarendon (i. 43) describes Felton as "lately a lieutenant of a foot company whose captain had been killed upon the retreat at the Isle of Rhé, upon which he conceived that the company of right ought to have been conferred upon him, and it being refused to him by the duke, he had given up his commission, etc." This however does not seem to be accurate. Lists of officers suggested for employment in the expedition are in the state paper office under date of June 1627; and Felton twice appears, as

After not many days the ships appeared before Rochelle; but so ill had their commander prepared that gallant people to trust him, or receive him as their deliverer, that the very extent of his armament alarmed them, and they refused him admittance to their harbour. Nor, when it is remembered that the last heavy blow inflicted on them before their late enforced peace with the French king, had reached them through Buckingham's treachery, can it be thought surprising that they should have hesitated, at such a sudden bidding, to raise the standard of revolt once more? Soubise had failed with the duke, and, with an English negotiator, Sir William Becher, was received secretly into the town; but the limit of the success of those envoys was expressed in the proposal with which they returned to the fleet, that Buckingham should show his sincerity by some action not immediately committing the town to hostilities, which would meanwhile lose no time in appealing to the other churches of the union, and would join him in the event of success. Buckingham closed with this proposal; and upon the suggestion of Soubise, confirmed by the approval of Burroughes and Courteney, it was resolved to make descent upon the island of Oleron. It was less rich than that of Rhé; but it was nearer to Rochelle, and was more weakly garrisoned.

Soubise returned to the city, and was yet busy arranging with his brother Rohan the proposed appeal to the churches, when he heard that all had been suddenly altered, and that Buckingham had ordered a descent upon the island of Rhé. Tempted by the chance of greater plunder, and heedless of the warning of his few

"much recommended by Sir Wm. Uvedale," and again as "recommended by Sir William Becher;" but there is no evidence of his having joined the expedition. On the other hand, he had certainly not left the army when he conceived his design against the duke. Before quitting for Portsmouth he told his mother that he was going to try to get his arrears of pay as lieutenant; at the same time complaining, "that he had been twice put by a captain's place." Exam. of Eleanor Felton. MS. S. P. O. Aug. 30, 1628.

experienced officers, he landed fifteen hundred men; effected a descent, during which his troops showed great bravery; left in occupation of the enemy in his rear, the small and apparently insignificant fort of La Prée which he could not be made to understand might prove of the greatest consequence; marched his army on the principal town of St. Martin's, which at last he reached and occupied, but not until so much time had been lost, and such ample warnings given, that the governor had meanwhile conveyed into the castle of St. Martin's all its wine and provisions; and then saw before him, bristling with preparations for a resolute defence, this almost impregnable fortress situated on a rocky eminence at the bottom of the bay.

At this point Burroughes and Courteney again interfered. They pointed out the danger of investing such a place in such circumstances, with the certainty of a formidable force meanwhile gathering against them. This counsel was rejected, in terms that forbade its renewal; and the place was invested in form. Trenches were dug, batteries raised, and a boom thrown across the entrance of the harbour. And on the day when these works were completed, Buckingham issued in his own name a manifesto vindicating the objects of the expedition: declaring it was not as a principal, but as an ally to the churches of France, that his most honoured lord and master had taken up arms; and that, the terms of the peace which Charles had mediated between his brother of France and the huguenots having been broken, an English fleet was there to vindicate by arms the rights and liberties of conscience.\*

Great, meanwhile, was the dismay of those who had really under that sacred flag rallied to the side of England, for the safety of Protestantism and the Palatinate. The king of Denmark deserted at his utmost need, and the states of Holland exposed to irresistible assault by

\* The manifesto will be found in *Bibliotheca Regia*, 224-9.

this reckless quarrel of the two greatest powers of the union, both made vehement and unavailing remonstrance. Charles received their envoys coldly. He should not seek, though he would not refuse, a reconciliation. That was the only answer he vouchsafed; and he proceeded to show his eagerness for the hairbrained enterprise by resorting to all mad expedients for forcing on the loan, and by complaining of the backwardness of his council as a personal wrong to Buckingham.

In the sixth week after the ships set forth, he wrote to his treasurer and chancellor, Marlborough and Weston, that he *must have* more money to supply them. "If Buckingham should *not* now be supplied," he goes on, "not in show, but substantiallie, having so bravelie, and "I thanke God successefullie, begunne his expedition, it "wer an irrecoverable shame to mee, and all this nation; "and those that ether hinders, or, according to their "several places, furthers not this action as much as they "may, deserves to make their end at Tyburne, or some "such place. But I hope better things of you."\* To hope better things than Tyburn for two great ministers, was to indulge no very special or sanguine expectation; but the ministers themselves, while protesting that no effort to get money should be spared, were fain to reply as if Tyburn itself might be preferable to the weary and thankless labour of overcoming the repugnance to the loan.

Conway and Bagg, writing in this interval to the duke and the duke's secretary, were, in the way of profession at least, making up for all shortcomings. To the duke, Conway was confident that victory would render him in the eyes of all the world the most glorious subject upon earth; and to the duke's secretary, Bagg conveyed his express conviction that the duke would return with glory

\* MS. S. P. O. The king to lord treasurer Marlborough and to the Chancellor of the Exchequer. From "Woodstock the 1st of August, "1627."



and victory, for both of which Bagg was as constantly praying as for the safety of his own soul. Conway begged of the secretary to encourage Bagg for his entire love and duty to the incomparable duke; and Bagg prayed of the duke to contrast such services as the noble Conway's, ready to carry his hand all over the world to do service to his grace, with the ways of men like Warwick, only warm to countenance offenders.\* "No fear of a parliament," wrote the duke's secretary at the same time to another correspondent. "I wonder who should give out that there is like to be a parliament. There is no sign of any likelihood of one!"† Such was the fool's paradise at home.

While it was thus enjoyed, ten weary weeks of the siege of St. Martin's were passed away without a single advantage gained to the besiegers. Many valuable lives had been lost in repulses from the walls; provisions began to fail in the English camp; and a gloom was settling over the scene. Buckingham's spirits on the other hand seemed to rise with disaster. Professing the most exalted esteem for "choice and illustrious souls," he volunteered euphuistic courtesies to his enemy after fashion of the French grand romances that were shortly to come into vogue. He dispatched laboured compliments to the governor of the fort, to which the governor, known better afterwards as Marshal Thoiras, replied in yet higher flights of polite phraseology. Buckingham sent melons to Thoiras, for which the bringer was rewarded by twenty silver crowns. Thoiras sent pots of orange-flower

\* The perpetual insinuations against others in the letters of this man shew all the instincts of an evil nature. He can never recommend himself without detracting from some one else. If on the one hand he professes himself "servant and slave to none but his grace of Buckingham," on the other we are sure to have some such addition as that "Sir Fernando Gorges is more and more the Lord of Warwick's, and of the Eliot faction, and not to be trusted." There is hardly a letter of his in which some trait of this odious kind does not present itself.

† MSS. S. P. O. under dates 5th and 17th of July, and 3rd, 14th, and 16th of August, 1627.

water and boxes of perfume to Buckingham, and the lucky bearer received twenty gold jacobuses. So that the saying at last went freely about among the English officers 'whatever else may be in earnest, surely this 'war is not.'\*

On the latter point the Frenchmen were soon to undeceive them. In the eleventh week of the siege, when, under cover of those high-flown interchanges of courtesy, there was in progress a pretended capitulation induced by alleged pressure of famine, a flotilla of twenty-nine small craft stole over from the mainland in a dark night and favourable wind, passed unseen through Buckingham's hundred sail, broke the boom, and reinforced and victualled the fortrefs. With this passed away all further hope of reducing it except by direct assault.

Once more Burroughes remonstrated.† Better even then, he pointed out, retrace their steps, and fall back on Oleron. The appeal of Rohan and Soubise had been successful; the flag of revolt had been once more raised at Rochelle; and if they husbanded their forces now, all was recoverable. But again this counsel was rejected; and not many days later, while the brave old man was directing an operation with a view to the proposed assault, a French bullet relieved the duke from that wife but unwelcome counsellor.‡

Yet not without further remonstrance was the rash assault to be made. So strenuous was the protest of Sir William Courteney, backed by a paper signed by all

\* Peter Heylin was in attendance on Laud at this time, and, with all the devotion of himself and his master for the duke, cannot but admit: "He had strength enough both for sea and land to have done the work, if he had not followed it more like a courtier than a souldier. Having neglected those advantages which the victory at his landing gave him, he suffered himself to be complimented out of the taking of their chief fort when it was almost at his mercy." *Cypr. Anglic.* 160.

† See letter of Pory to Mede among the Birch transcripts (*Court of Charles*, i. 280), 2nd Nov. 1627.

‡ His body was brought over to England with much honour, and had a public funeral in Westminster-abbey.

the colonels, that at last the duke began to waver. But his irrefolution was even worse than his obstinacy. One day he would order a cannonade, and the next day direct the batteries to be dismounted. He pleaded afterwards the pressure that was put upon him by Soubise, who had just rejoined him with forces from Rochelle; but the truth was that he was as little capable of the timely retreat which his own officers advised, as of the instant and daring assault which the huguenot leaders were naturally eager for, having now thrown their all upon the stake. No better description of him at the time exists than that which Denzil Holles wrote to Wentworth. The whole thing he characterises as "ill begun, worse ordered in every particular, and the success accordingly most lamentable. Nothing but discontents betwixt the general and the most understanding of his soldiers, as Burroughes, Courteney, Spry; everything done against the hair, and attempted without probability of success. There was no hope of mastering the place from the very beginning. At Michaelmas a very great supply came at one time into the fort, and since they have relieved it at their pleasure. Yet for all this the duke would stay, and would not stay; doing things by halves. Had he done either, and gone through with it, possibly it could not have been so ill as it is."\*

Of an intensity almost unexampled was the interest with which news was meanwhile waited for in England. Nobody out of the court looked for good news, but at court nobody dared to think bad possible. Every day brought its fresh report. The triumphant capture of the whole island was twice announced to Conway and Nicholas in letters of frantic joy from Bagge, and the ink of his letters was scarcely dry before officers and stragglers came wounded back to tell the bitter truth. Conway's son was among them, and his wound appears to have distressed his father less than his having taken part with

\* *Strafford Disp.* i. 40-4.

Burroughes and Courteney in advising against the duke's plans ; the gracious and brave duke, the faultless general, the very embodiment of virtue, genius, and courage ! So Conway echoed the king, and in such tone and temper the order was given for instant reinforcements of ships and men. As many as fifteen hundred soldiers were got off to him at once, and it was settled that a further auxiliary expedition should sail to his relief under Lord Holland ; when, upon the want of money for its equipment interposing delays, the king chafed and fretted like a child. He singled out by name at the council-table those whom he suspected of backwardness, and personally threatened them with his displeasure. He wrote to Buckingham of the reinforcements going out to him in language of affectionate encouragement, and told him that all who fell from him in that hour of trial he should esteem as enemies to his own person. Yet, even under this pressure, the most obsequious of the councillors dared not steadily out-face what with a terrible plainness had now been declared as the people's settled determination. *Without a parliament they would not give.*

The stubborn fact was not to be denied. Sir Humphrey May wrote out to implore the duke not to make his designs too vast. The malevolency of the parliament had done him no harm, but in very truth the country was extremely poor. Let his grace be satisfied, however, that no man would be wanting to him, and that everything possible would be done ; for the chancellor of the exchequer, in anything that concerned him, was not a spark but a flame. At the same time Wimbledon, telling him of his dangers at home, sent him frank as well as shrewd counsel, to decide at once to quit, if he could not take, the fortrefs, and to turn his attention to Rochelle. Bagg sent him word of how bravely the commission against Eliot went on ; and, declaring that Bagg's grave should witness his fidelity, that the safe return of his grace's person was " more dearer " to Bagg

than children, wife, or life, and that in every circumstance and condition Bagg should be his excellency's "humble" bounden servant and perpetual slave," was yet unable to conceal under all this profuse profession Bagg's secret terror at such a possible calamity impending as a general failure of supply, which would make a famine in his own purse as well as the duke's. Laud's letters have not survived: but the conflicting entries in his diary day by day show the agitation of his mind, from the first news of the capture of Rhé when he dreamt that he lost two teeth, through the varying second, third, and fourth arrivals of darker news; deepening, from the first fear of ill-success, into that sad assurance of certain failure which brought with it the vision of another parliament, and the warning that some would have to be sacrificed, and he as like as any. One letter only made no pretence to conceal the truth. The duke's agent in Westminster, Sir Robert Pye, told him that affairs were well-nigh desperate; and that the one indispensable condition of safety for them all was, that an immediate stop should be put to the loan.\*

It was, indeed, high time. The spirit and temper of the country were daily rising. Five gentlemen imprisoned for refusing to lend, intimate friends of Eliot, had brought their habeas corpus, and appealed to the laws. Eliot, from his prison, had petitioned the king; and,

\* MSS. S. P. O. These various letters are under dates 24th and 26th of August; the 3rd, 11th, 21st, and 28th of September; and the 7th and 11th of October; 1627. The only other plain speaker besides Sir Robert Pye was Buckingham's mother, who, frankly telling him that every man seemed groaning under the burden of the times, implored him urgently to return, to live in peace, and not to tempt his fate to a bloody end. In a later letter (the 20th of October) she warned him that he had not made himself by his present action any whit the more popular than before he went, from which he might judge whether such a people were worthy for him to venture his life for! The passages from Laud's diary will be found in his *Works*, iii. 205-206. The warning had been twice uttered, by the dean of Canterbury first, and then by Sir Dudley Digges. On hearing it repeated, Laud told it to the king. "Let me desire you not to trouble yourself with any reports," replied Charles, "till you see me forsake my other friends."

printing his petition, had appealed to the people. Holland still delayed his departure. He had got but as far as Portsmouth, on his way to the duke, when angry winds had stopped him ; and he was now vainly trying to soothe the more angry king by protestation of the fortunate service he hoped yet to render to his majesty's noble servant and his own dearest friend.\*

Then suddenly again broke forth conflicting rumours from Rhé itself. A report of Holland's having sailed had gone out to the camp of the besiegers, and false news of success was bruited once more. Now the citadel had fallen, and now it was to hold out only three weeks or a month longer. It was a brief delusion. Its close is marked by a letter from Conway to the attorney-general, telling him that the king is no way discouraged by the news from Rhé, but wishes it not to be divulged.† Four days later, two letters from Rhé among the papers of Nicholas tell us what that news had been. The secretary would be sorry, said the first, when he knew the character and extent of the wants of the men. If Holland made not speedy appearance, they must truss up bag and baggage. Winter was coming on ; the trenches were insufferable in the wet and cold ; and the misery was extreme. None in England, exclaimed the second of these letters, could have a conception of their wants out there. They should have left, but for expecting Lord Holland. They had been looking for him, they had been watching from the tops of houses for a first glimpse of his sails, until they had strained themselves blind.‡ To the last they looked in vain ; for on the day when Holland left Portsmouth harbour, the remains of Buckingham's shattered fleet were straggling back to the English coast. Those letters had arrived in London at the

\* MS. S. P. O. 17th October, 1627.

† MS. S. P. O. Conway to Heath, 12th October, 1627.

‡ MSS. S. P. O. Under date 16th October 1627. Letters of William Bold and William Lewis.

close of October; and early in November the great blow fell on the court. It was then known that the long-threatened attempt had been made, and repulsed with heavy loss; but the details of the assault, and of the yet more disastrous retreat, were still to be ascertained.

Sir William Courteney was a friend of Eliot's; and eight months later, after dinner at his house in Cuddenbeck, told him what had immediately preceded the assault. Eliot's pencil-note of the conversation on that afternoon of the 8th of July, 1628, has by a strange accident survived among his papers; and, with much pains, I have been able to decipher it.\* To the very last the duke was undetermined. Only the second day before the final order was given, one of his special creatures, Sir William Balfour, was sent into the citadel, and treated there with particular courtesy. Nay, the very day before, there came a person out of the fort, and treated privately with the duke for two or three hours. Yet, only three days before, Courteney himself, with others, had advised the duke against the assault; and had desired that at least, if it might be attempted, his grace should not speak of it in so public a manner, that thereby the enemy might get intelligence. "This," says Eliot's pencil-note, "was the third day before, and "yet the second and the last *ut ante*." There is, in short, no doubt that the independent officers in the camp did not believe that Buckingham had any serious public design at all, or was there in furtherance of any. Right or wrong, the conviction had taken possession of them, that he had only private objects in view; and

\* It bears endorsement by Eliot, also in pencil, "Sir W<sup>m</sup>. Courteney's description at Cuttenbeake. After dinner. 2<sup>d</sup> July 1628." Beside what will be found quoted in the text, the following additional notices contained in it are worth preserving. "That upon every free speech in counsell the D did threaten to send him home a prisoner to the K." "That Sir Edward Conway from the D, to mollify Sir William Courteney, told him that he should not be so unwilling to stay, for his safety was provided for against all dangers, and there was course taken that he and himself and the D should be kept together."

that, as he could induce the Frenchmen to favour these or otherwise, he was ready to go or stay, to sacrifice or save his men. In this very conversation at Cuddenbeck, Courteney told Eliot, that in the course of one argument he and the duke had had together, upon supporting his own advice against the stay by pointing out the great charge the keeping of the island would involve, supposing it to be taken, the duke had let fall the remark that his meaning was not to take it. The same absence of consistency or design appeared also at the time of the colonels sending in their round robin to counsel a return; upon which Buckingham had actually so far taken the resolution to break up the siege, as to have despatched letters to England to that effect; when unexpectedly, on the return from Rochelle of another of his creatures, Colonel Dalbier, whom he had sent upon some secret communication, he "presently, upon advice with him, altered his purpose, "and determined to stay."\* He thought he could outwit the Frenchmen; and not until he had fairly lost in that game, did he order the assault. It was too late. He was repulsed at every point; and there was nothing left to him but speedy retreat.

Here, as everywhere, the evil spirit prevailed. Not only might the retreat have been effected with comparative safety, but the ships might have brought off spoil in compensation of the losses suffered, if there had not been the grossest misguidance. Between the camp and the ships marshal Schomberg had brought up his forces, and behind them Gaston of Orleans had commenced the blockade of Rochelle. Yet Schomberg's landing might have been obstructed, and the English retreat protected, but for the first neglect of the small fort of La Prée, since become a formidable barrier. Now the only means of escape lay along a narrow mound or causeway, among deep salt pits or marshes, terminated by a bridge

\* Eliot's pencil note.



connecting Rhé with a small adjoining island. Once across that bridge they were safe and in communication with their ships. The causeway also, thus leading across the marshes to the bridge, was narrow, admitting of not more than six or eight to go in front; and for that reason, if properly guarded, might have been held by a few men against a million, whilst the bridge, gallantly defended, would have proved an ark of safety. "In the retreat," says Eliot's pencil-note of what he had learnt from Courteney, "Sir William Courteney and Sir Francis Willoughby offered to go before to the bridge, and view the passage, and make it safe; which would have secured all the troops. But this might not be suffered, for others were to be thereon only trusted and employed." The consequences were disastrous in the extreme. No sooner were the English exposed on the broken and narrow ground of the causeway than they were furiously attacked in the rear, and thrown into irrecoverable confusion. The English cavalry came up, and "to save themselves which yet they could not do," broke in and trampled down their own infantry, and rendered vain all further resistance. No word of command was heard. Each man shifted for himself. Buckingham kept in the rear, the post of danger in retreat, but courage was the only quality he showed. His troops were pushed by hundreds into the marshes and salt-pits. Without help of an enemy, says Clarendon, noble and ignoble were drowned or crushed to death. No man, said one of the serjeant-majors to Denzil Holles, could tell what was done, nor give account how any other man was lost, not the lieutenant-colonel how his colonel, or the lieutenant how his captain, no man knew how any other fell. "This only," Denzil adds, "every man knows, that since England was England it received not so dishonorable a blow. Four colonels slain, and, besides the colours lost, thirty-two taken by the enemy. Two thousand

"of our side killed, and I think not one of theirs."\* Not more than half the English force were able to reach their ships.

Buckingham landed at Plymouth in the middle of November, his shattered fleet passing the Holland reinforcements, which were then just clearing the western coast. He threw Bagg into delirious joy by spending the night of his landing at his house at Saltram, from which the next morning, followed by Bagg's prayers and protestations that children, wife, and life were nothing in comparison with him,† he moved by rapid stages to London. Even thus, so hateful was he become, he did not pass without danger; which his gallant young nephew who rode with him, Lord Denbigh's son, would have taken to himself by exchanging cloaks; but the duke, always personally brave, put aside kindly the loving offer, and *for this time* rode safely on. The king received him with an affection that had risen with the popular discontents, and with phrases of admiration only short of Bagg's own. The failure was not his friend's fault, but that of those who had not properly supplied him. On the 20th of November, Conway wrote from Whitehall to his son Edward that on the previous day, at a full council presided over by the king, the duke had so described his expedition and so commended the good and bold actions, the sufferings and patience,

\* *Strafford Letters*, i. 41. Even Peter Heylin writes almost to the same effect. *Cypr. Anglic.* 160.

† Most characteristically in this same letter he renews his suit for a peerage for Mohun, and once more presents him and Sir Bernard Grenville to the duke's recognition, as two men who had, in his absence, best served him in council against Eliot and his faction. "I knowe," he adds, "they will put downe theire lives and fortunes to yo<sup>r</sup> feete. And Mohun, *in a lordlike way*, will best be y<sup>r</sup> servant." I must add also Bagg's closing thanks for the duke's graciousness in having honoured his house, as if a deity had descended into it. "I doe most humbly beseech yo<sup>r</sup> excellence to accept my humble acknowledgement of the great honor and favo<sup>r</sup> you have done mee in yo<sup>r</sup> retorne, w<sup>ch</sup> cannot make mee more than I was yours saving that my blessings and joyes continewe w<sup>th</sup> mee, in that you gratioulsly please still to love and favour yo<sup>r</sup> excellence his humble bounden servant and perpetuall slave, JAMES BAGG."

of the private soldiers, as to have drawn forth upon himself the loudest applause. Two days later, one of the newswriters informed Mr. Mede of a very different kind of admiration breaking forth in the same neighbourhood at quite other speakers and speeches. "The gentlemen's counsel for habeas corpus, Mr. Noye, Serjeant Bramston, Mr. Selden, Mr. Calthorpe, pleaded yesterday at Westminster with wonderful applause, even of shouting and clapping of hands, which is unusual in that place."\*

Other unaccustomed sounds were also become audible, which at first the court believed themselves able to suppress by a few sharp star-chamber punishments.† But they quickly saw their mistake. The effects of *this* overthrow, says a witness not unfavourable to Buckingham, did not at first appear in whispers, murmurs, and invectives, as the retreat from Cadiz had done, but produced a general consternation over the whole face of the land.‡ Clarendon does not expressly add what it was that so universally inflamed the popular sense at that second great disaster, and led to the accompanying cry on all sides for a parliament which proved irresistible; but a brief glance at what had passed at home while those disgraces were undergone abroad, will make it intelligible. Even from his prison of the Gate-house, Eliot had been able to make himself heard

## VII. ELIOT IN THE GATE-HOUSE.

Eliot had been lodged in the Gate-house in June.§

\* The first of these letters is in the S. P. O. under its date: the second will be found in the Birch Transcripts (*Court of Charles*, i. 291-2.)

† See letters in the Birch Transcripts (*Court of Charles*, i. 292, 295, &c.)

‡ Clarendon's *Hist. of Rebell.* i. 66.

§ There seems to be some doubt whether he was not first taken to the Tower. "Sir John Eliot," wrote Mede to Stuteville on the 9th of June, "is committed to the Tower, but the cause is not known." It is however very certain that after his appearance at the council-table he was sent to the Gate-house.

Brought before the council-table, and refusing to make other reply than already he had made in his county, he was remitted to that prison, and remained there during all the months of the disaster at Rhé, and of the closing efforts of Bagg and his confederates in the west to effect his personal ruin.

Others similarly brought before the table had varying fortunes, severally displaying for the most part very various tempers. Sir Dudley Digges used language to some of the councillors that was thought unbecoming, and had to pay for it by imprisonment in the Fleet; but a petition sufficiently humble availed shortly to release him.\* Sir Walter Erle, incurring equal disfavour but having less than the same humility, after two disregarded petitions remained still in the Fleet.† There, too, Mr. Knightley was sent for refusing to make submission on his knees for language spoken at the board. And there went another Northamptonshire man, not otherwise known to us, Mr. George Catesby, who patiently kept his temper under gross insults from the president of the council, put aside the intercession of one of the lords as a kindness he did not need, said he had come there to suffer, and quietly declared his intention to remain "master of his own purse." Many such anecdotes remain to attest the forbearing fortitude of men recollected now no longer, but who at that time shed lustre on the English character. Stout Sir Francis Lee of Kent bluntly told the lords that they need never fear but there would soon be a parliament; and for his own part, before he would lose the least part of his

\* MS. S. P. O. Sir Dudley's petition, wonderfully contrasting with his old colleague Eliot's conduct in such matters, attributes to his own "too much zeale" the unfitting words that had fallen from him; and, declaring himself heartily sorry for his error, humbly prays to be restored to their lordships' good opinion, which "he more desireth than his libertie though he hath many pressing occasions to desire the same."

† The first was the 17th of August, and the second the 6th of September, 1627. MSS. S. P. O.

freedom, he was ready to spend the best blood of his body.\*

Men whose names are better known continued to vindicate, with hardly an exception, their title to honourable memory. Sir Thomas Wentworth was courteous but determined, and was remitted to detention in Kent. Sir Oliver Luke made less courteous denial and went to the Gate-house. There, too, went Sir Walter Devereux, Mr. Kyrton, and Sir William Armyne. Sir Peter Hayman was one of several less known than himself who were sent into the Palatinate.† Sir Thomas Darnel, Sir John Strangways, Sir Harbottle Grimston, and Sir John Heveningham were remitted to the Marshalsea; and in the Gate-house Eliot received further companionship from Sir John Corbet, to whom and whose family he was tenderly attached, and from Sir Edmund Hampden, a kinsman of his great friend. The more famous possessor of the name followed thither also, after one of the most striking answers given at the table. "I could be content to lend," said John Hampden, who had appeared in discharge of his bond, "as well as others: but I fear to

\* MSS. S. P. O. December 1627. And see Birch Transcripts in *Court of Charles the First*, i. 190, 198, 249, &c.

† In one of the debates that arose on these grievances in the third parliament, Hayman thus described his treatment: "I told them, if they will take my estate, let them; I would give it up; lend I would not. When I was before the lords of the council, they laid to my charge my unwillingness to serve the king. I said, I had my life and my estate to serve my country and my religion. They told me, that if I did not pay I should be put upon an employment of service. I was willing. After ten weeks' waiting, they told me I was to go with a lord into the palatinate, and that I should have employment there. I told them I was a subject, and desired means. They said, I must go on my own purse. I told them *nemo militat suis expensis*. Some told me, I *must* go. I began to think, what, *must* I? None were ever sent out in that way. Lawyers told me I *could not* be so sent. Having this assurance I demanded means, and *was* resolved not to stir but upon those terms; and, in silence and duty, I *denied*. Upon this, having given me a command to go, after twelve days they told me they would not send me as a soldier, but to attend on an ambassador. I knew that stone would hit me, therefore I settled my troubled estate, and addressed myself to that service."

"draw upon myself that curse in Magna Charta which  
"should be read twice a year against those who infringe  
"it!"\*

The same thought had been with Eliot in all the months of his confinement. He does not appear at any time to have contemplated claiming his freedom from the courts; but from the first had marked out for himself another course, very characteristic. Upon the appeal proposed to be made to the king's-bench he was doubtless consulted, for two of the appellants were his fellow prisoners, and the other three his intimate friends; but leaving to them the question of the right of the council to deal with the subject's liberty, he took himself the higher question of the king's right to levy taxes other than by the subjects' representatives in parliament; and hereupon he resolved to make appeal, through majesty itself, to all the people. Of the king's repeatedly evinced displeasure to himself, he could not but be conscious; he would begin by frankly referring to it; but not the less would he press his claim for personal hearing, in a matter affecting every subject in the land. In the form of a petition to the sovereign, he would publish to the country what he believed to have been guaranteed to it by its former princes; and upon the fact of his duty to render obedience to the laws, he would ground his inability in this matter to obey the king. So conceived, the petition was drawn up by him; and is a masterpiece of expression. Profound loyalty to the laws is combined in it with a deference the most unfeigned, and an only inferior

\* One of Hampden's friends, writing at the time of his death in the *Weekly Account*, described the state of his health at this earlier time to be such that he never entirely recovered the effects of his detention. "He endured  
"for a long time together, about sixteen years since, close imprisonment in  
"the Gate-house, about the loan-money, which endangered his life, and was  
"a very great means so to impair his health, that he never after did looke  
"like the same man he was before." In Eliot's letters to him I also find allusion to his indifferent health at this period.

loyalty, to the prince who has forgotten that the laws are binding upon him. Whether Charles received this remarkable document directly from Eliot does not appear; but there are many evidences of the impresson it made when it went among the people.\* Strange to say, however, the most curious of all the notices of it among its contemporaries has never been remarked upon or known until now.

Bagg found it travelling up and down Cornwall, threatening infinite mischief; conceived the idea of replying to it; and addressed his reply to Buckingham. Eliot had reasoned that the loan, backed by imprisonments and restraints, was contrary to the grants of the Great Charter, by many glorious and victorious kings many times confirmed; but why should not Bagg prove as clearly to the satisfaction of his grace, that this much vaunted Magna Charta, which Eliot thus still more magnified, was really in its birth and growth *a mere abortion*? Here was a petitioner, forsooth, like Mr. John Hampden at the council-table, talking of the curfe denounced against the great charter's violators; but the curfe that pope Innocent denounced against its makers was to Bagg a more terrible thunderbolt. A pretty thing, truly, that those "never-to-be-honoured barons" should be set up for glorification; that currying favour with the nobles and smoothing the people, that notoriously "low thing in a king," should be recommended for imitation to such a king as theirs; and that this their own pious and well-established prince, surrounded by sweet counsellors and devoted subjects, should be compared with former princes of cracked titles environed by rebellious armies in the

\* Rushworth has preserved it (i. 429-31), but I shall print it, from the original among Eliot's papers, in a more correct form. Whitelocke says (*Memorials*, i. 22) that "Sir John Eliot took this way to inform the king "what his council did not:" which Anthony Wood oddly converts into a statement that Eliot was obliged to write in this way to the king because his (Eliot's) "counsel would not assist him otherwise." *Ath. Ox.* ii. 479.

meadows of Staines! To Bagg it was nothing short of "satanical."

It may seem not very credible that language and reasoning like this should be correctly imputed to any Englishman, far less to one trusted and favoured preeminently as this man was; and from the original in the state paper office, therefore, Bagg's letter is now printed side by side with the petition of Eliot, and the writer's character, already elaborately self-painted in these pages, receives its finishing adornment. It would not be easy to go beyond this, in all that expresses fervidity of soul.

SIR JOHN ELIOT TO THE KING.

*The Humble PETITION of Sir  
JOHN ELIOT, Knt. Prisoner in  
the Gatchouse, concerning the  
Loan,*

*Sheweth,*

"That your poor suppliant,—  
"much affected with sorrow and  
"unhappiness, through the long  
"sense of your displeasure; wil-  
"ling in every act of duty and  
"obedience to satisfy your majesty  
"of the loyalty of his heart, than  
"which he has nothing more de-  
"sired; anxious that there remain  
"not a jealousy in your royal  
"breast, that stubbornness and will  
"have been the motives of his  
"forbearance to the said Loan;  
"low at your highness's foot, with  
"a sad yet faithful heart, for an  
"apology to your clemency and  
"grace,—now presumes to offer up  
"the reasons that induced him, and  
"which, he conceives, necessity of

SIR JAMES BAGG TO THE DUKE.

*To his Excellency my Lord the  
Duke of Buckingham, his grace,  
Lord High Admiral of Eng-  
land.*

My most gracious lord,

"I met this Petition wandering  
"amongst the subjects, directed to,  
"or rather against, my sovereign;  
"not repenting, but justifying, an  
"offence; not accusing the recusant  
"subject of disloyalty, but his ma-  
"jesty of injustice, in the business  
"of the late Loan! as I in my  
"humble apprehension conceive it.  
"In my zeal to his majesty's most  
"sacred person and affairs, I held it  
"dangerous to roam up and down  
"among the many-headed people in  
"these times, made discontented by  
"him (Eliot) and his accomplices;  
"and I have therefore made bold,  
"in discharge of my duty, to com-  
"mend it up unto your grace's eye,  
"which ever watcheth for the

\* The only change made in the text is of Bagg's orthography, which is so very uninviting and often unintelligible, that it seemed fair to put him more on a level with Eliot in this respect by modernizing both. His letter will be found among the MSS. of the S. P. O. under date of the 20th of December, 1627.



“his duty to religion, justice, and  
“your majesty, did enforce.

“The rule of justice he takes  
“to be the law; the impartial  
“arbitrer of government and obe-  
“dience; the support and strength  
“of majesty; the observation of  
“that justice by which subjection  
“is commanded; whereto religion,  
“adding to these a power not to be  
“resisted, binds up the conscience  
“in an obligation to that rule,  
“which, without open prejudice  
“and violation to those duties, may  
“not be impeached.

“In this particular, therefore,  
“for the Loan, being desirous to  
“be satisfied how far this obliga-  
“tion might extend; and resolv-  
“ing, where he was left master  
“of his own, to become servant  
“to your will, he had recourse  
“unto the laws, to be informed by  
“them; and now in all humility he  
“submits to your most sacred  
“view, these collections following.

“In the time of Edward the  
“First, he finds that the commons  
“of that age were so tender of  
“their liberties, as they feared  
“even their own free acts and  
“gifts might turn them to a bond-  
“age, and their heirs. Where-  
“fore it was desired and granted,

“*That for no business, such  
“manner of aids, taxes, or prizes,  
“should be taken, but by common  
“assent of the realm, and for the  
“common profit thereof.\**

“The like was reinforced by  
“the same king, and by two other  
“laws again enacted:

“*That no tallage or aid should  
“be taken or levied, without the  
“good-will and assent of the arch-*

“common safety; left such a peti-  
“tion (not the transcript but the  
“original), marching under the co-  
“lours of humility and allegiance,  
“rekindle that fire of discontent and  
“murmur in those unquiet spirits  
“which are of Eliot’s opinion.

“Crouching humility it carrieth  
“in the front; but in the body no-  
“thing but stained arguments to  
“justify his proud refusal: which  
“being dissected by the examina-  
“tion of his grounds, his law and  
“conscience will plainly appear.

“His plea is not stubborn, and  
“hath a specious pretence; but  
“one so often found false by his  
“majesty’s predecessors in the tu-  
“multuous barons and their con-  
“federates, as it is bankrupt of  
“credit now. *They* had the law  
“always in their words, when their  
“actions were most unlawful.  
“*They* always had conscience in  
“their mouths, when they had  
“none in their hearts. What  
“*their* motives were, if truth were  
“known, *his* motives are!

“But scruples of conscience arise  
“in this Petitioner! As if con-  
“science, which is the centre of  
“virtue, did ever deny tribute to  
“Cæsar! or free-will, in actions na-  
“tural, to the soul! Must the land be  
“tied to the postures of peace, in  
“war? Or, in violent weather, must  
“the traveller be tied to a Spanish  
“pace? Or, shall martial law be re-  
“gulated to the common law? I  
“wish the sun would ever shine,  
“and peace smile on this land. I  
“wish that all the hearts of  
“the house of commons were  
“rightly set, and that all things  
“were done in a parliamentary

"*bishops, bishops, earls, barons,  
knights, burghesses, and other  
freemen of the land.*"

"And that prudent and magnanimous prince, Edward the Third, led by the same wisdom, having granted :

"*That the great gift given in parliament, for the aid and speed of his matchless undertaking against France, should not be had in example, nor fall to the prejudice of the subjects in time to come : did likewise add in confirmation of that right, that they should not from thenceforth be grieved to sustain any charge or aid but by common assent, and that in parliament.*†

"And more particularly in this point, upon a petition of the commons afterwards in parliament, it was established :

"*That the loans, which are granted to the king by divers persons, be released; and that none, from thenceforth, be compelled to make such loans against their wills, because it is against reason and the franchises of the land; and that restitution be made to such as made such loans.*‡

"And by another act upon a new occasion, in the time of Richard the Third, it was ordained :

"*That the subject in no wise be charged with any such charge, exaction, or imposition called a benevolence, nor such like charge; and that such exactions be damned and annulled for ever.*§

"Such were the opinions of

"way. But time waits; subjects are disloyal and humorous"[full of humours]; "wars are necessitous; honour and safety are both at stake. Shall not the head, then, use all his counsels, ways, acts, and policies of state, to keep off foreign and suppress homebred dangers? Yes! and that with both great praise and glory! For necessity hath no law.

"Could I but descend into the conscience of this Petitioner, Eliot, and show how in all his actions it hath guided him, I should, if he did not, blush to see his conscience strain a gnat and swallow a camel. But sithence the having of this petition, I have taken some of my time from his majesty's service, and perused those laws he hath quoted; and it being out of my profession to argue it, I will only give your grace my observations upon them.

"He forgets that law without circumstances observed, is no law. That of Edward the First, with its due circumstances, is no law for his purpose. Our Chronicles note that Henry the Third, being pressed by his mutinous barons to grant them their liberties, which they themselves had with a high hand extorted from King John and propounded to him, the moderation and equanimity of the king, terrified by his father's example, peaceably finished the contention. And so no doubt Edward the First, terrified both by the example of his father Henry the Third, and his grandfather King John,

\* Stat. Tal. and 33 Ed. 1.

† 25 Ed. 3, rot. parl. no. 16.

‡ 14 Ed. 3.

§ 1 R. 3.

“those times, for all these aids,  
 “benevolences, loans, and such  
 “like charges exacted from the  
 “subject not in parliament; which  
 “they held to be grievances, con-  
 “trary to their liberties, and il-  
 “legal. And so pious were these  
 “princes in confirmation of such  
 “liberties, as, having secured them  
 “for the present by those frequent  
 “laws and statutes, they did like-  
 “wise by them provide for their  
 “posterity; and in some so strictly  
 “that they bound the observation  
 “with a curse, as in that of 33 Ed-  
 “ward the First, and also under pain  
 “of excommunication, as by the  
 “other of the 25th of the same  
 “king; which was to be de-  
 “nounced against all those that  
 “violated or brake them. Which  
 “acts extend to us; and these  
 “reasons he presents to your  
 “most sacred majesty, as the first  
 “motives taken from the law.

“There are others, also, which  
 “in his humble apprehension he  
 “conceives from the action itself,  
 “and these he likewise tenders to  
 “your most excellent wisdom.

“*Firstly*, That the carriage and  
 “Instructions,\* accompanied with  
 “the authority of the great seal,  
 “imported a constraint; such re-  
 “quests to subjects being tacit and  
 “implied commands; and so pre-  
 “venting that readiness and love,  
 “which in a free way would have  
 “far exceeded those demands.  
 “Whereas the wonted aids given  
 “to your most happy ancestors  
 “were *ex spontanea voluntate et*  
 “*curialitate populi*, whereby they  
 “made that conjunction of their  
 “hearts at home, which wrought

“did for his own quiet and sub-  
 “jects’ safeguard, grant the people  
 “that which he durst not deny.  
 “But nothing is cited in that act  
 “that Eliot need make scruple of  
 “conscience to violate in the loan.  
 “For there it is enacted only that  
 “the king’s ministers take not,  
 “nor levy taxes, &c. without  
 “assent, &c. Not that his loving  
 “subjects should not lend him in  
 “his necessity to supply his wants!

“And so to be understood is  
 “that statute of Tallage; though  
 “that king might well yield some  
 “liberty to his people, who had  
 “yielded him more relief than  
 “ever to any prince before him!  
 “Yet the particular reasons of that  
 “act in his own person ceasing,  
 “if it did ever concern our \*times  
 “in this loan (as it no way doth),  
 “ought no way to bind his now  
 “majesty from his own right, nor  
 “loose the subjects from due aids  
 “to the sovereign in a common  
 “cause. For all grants of kings  
 “have this exception: *salvo co-*  
 “*ronæ honore*. And for that of  
 “Edward the Third, the reason  
 “of granting that act will shew  
 “that the petitioner had no  
 “reason to refuse to be an actor  
 “in the loan. For *he* had almost  
 “every year relief from his sub-  
 “jects. And especially then in  
 “the 14th year. For his wars  
 “in Scotland, France, and Gas-  
 “cony, they in parliament had  
 “strained themselves beyond their  
 “abilities to give extraordinary  
 “aids to his extraordinary business  
 “on this side and beyond the seas:  
 “as 40s. out of every sack of  
 “wool; 40s. out of every CCC.

\* See *ante*, 55, 58.

"such power and reputation to  
"their acts abroad.

"*Secondly*, Whereas the firmest  
"obligation of that readines and  
"love, is the benignity of princes,  
"giving and preserving to all their  
"people just and decent liberties ;  
"which to this kingdom are derived  
"from the clemency and wisdom of  
"your progenitors, to whom there  
"is owing a sacred memory for  
"them. He could not, therefore, as  
"he feared, without pressure to  
"those immunities, become an actor  
"in this loan ; which by im-  
"prisonment and restraint has been  
"urged, contrary to the grants of  
"the Great Charter, by so many  
"glorious and victorious kings so  
"many times confirmed.\* Being  
"therein most confident of your  
"majesty, that never king that  
"reigned over us had of his own  
"benignity and goodness a more  
"pious disposition to preserve the  
"just liberties of his subjects, than  
"your sacred self.

"*Thirdly*, Though he were  
"well assured of your majesty's  
"royal promise, whose words he  
"holds as oracles of truth, that it  
"should not become a precedent  
"during the happiness of your  
"reign ; the long continuance  
"whereof is the daily subject of  
"his prayers ; yet he conceives  
"from thence a cause of fear, that  
"succeeding ages might thereby  
"take occasion, for posterity, to  
"strike at the property of their  
"goods, contrary to the intention  
"and piety of your majesty, so  
"graciously exprest.

"of wool-fells, and as much for  
"leather ; besides every 9th lamb,  
"9th fleece, and 9th sheaf,  
"through England ; and of  
"all merchandize after the same  
"rate ! Which, if it had been  
"drawn into ordinary must needs  
"have soon eaten up the people's  
"livelihood ! So that hereupon it  
"was petitioned by them, and  
"granted by him, for himself and  
"his heirs to all prelates, &c.  
"that the same grant which was so  
"chargeable should not at another  
"time be had forth in example,  
"nor fall to their prejudice in  
"time to come. And for their  
"exceeding willingness in his sup-  
"plies he voluntarily promised to  
"trouble them no more, but  
"afterwards to live on his own  
"revenue. A precedent to the  
"petitioner, and motive rather  
"for willingness to lend than for  
"obstinate refusal.

"It is true that the petitioner SA-  
"TANICALLY cites so much of that  
"act as serveth his oblique turn ;  
"but dares not mention either the  
"scope or ground of it. The  
"undertakings of that prince were  
"matchless, and so should his  
"subsidy be. No age, if not that,  
"was like to have the like occa-  
"sion ; and therefore none but  
"that to expect the like bounty,  
"which by his act Edward the  
"Third secured to the subject.  
"Seeing they had in public with  
"free hearts so bountifully con-  
"sidered of his occasions, he  
"would not use their purses but  
"by a public consent in parlia-

\* Chart. libertat. 9 H. 3. Confirmat. 25 Ed. 3—1, 4, 5, 10, 14,  
28, 31, 36, 42, 45, 46. Ed. 3—1, 2, 3, 5, 6, 7, 8, 12. Rd. 2—1, 2, 4, 7,  
9, 13. H. 4—4. H. 5—2. H. 6, &c. &c.

"And these being the true  
 "grounds and motives of his for-  
 "bearance to the said Loan; shew-  
 "ing such inconveniences in rea-  
 "son; and representing it an act  
 "contradicting so many of our  
 "laws, and most of them by the  
 "most prudent and happy of our  
 "princes granted; which could  
 "not (without presumption be-  
 "yond pardon in your supplicant,  
 "in taking to himself the dispen-  
 "sation of those laws so piously  
 "enacted) by him be violated or  
 "impeached; in the fulness of all  
 "submission and obedience, as the  
 "apology of his loyalty and duty,  
 "he lowly offers them to your most  
 "sacred wisdom, for the satisfac-  
 "tion of your majesty, most  
 "humbly praying your majesty  
 "graciously will be pleased to take  
 "them into your princely confi-  
 "dence. Where, when it shall  
 "appear (as he doubts not but  
 "from hence it will to your deep  
 "judgment) that no factious hu-  
 "mour nor disaffection, led on by  
 "stubbornness and will, has therein  
 "stirred or moved him; but the  
 "just obligation of his conscience,  
 "which binds him to the service  
 "of your majesty in the observ-  
 "ance of your laws; he is hope-  
 "ful, presuming upon the piety  
 "and justice of your majesty, that,  
 "according to your innate clemency  
 "and goodness, you will be pleased  
 "to restore him to your favour,  
 "and his liberty; and to afford  
 "him the benefit of those laws,  
 "which in all humility he craves.

"And your petitioner, &c.

"JOHN ELIOT."

"ment. But the grace of a prince  
 "must not be urged as a duty;  
 "nor an act against taking with-  
 "out assent in parliament against a  
 "borrowing without a parliament.

"As for that of Richard the  
 "Third, it was a good policy in  
 "evil. He by forming laws apted  
 "to their humour, secured himself  
 "in his guilty possession of the  
 "throne. And shall the acts of  
 "this man be urged as precedents  
 "against his majesty's so just and  
 "sacred government!

"But the excommunication and  
 "curses denounced against all that  
 "violate these laws is a terrible  
 "thunderbolt to the petitioner's  
 "conscience! Why rather fears  
 "he not the curses of Pope Inno-  
 "cent, in conscience of the royal  
 "wrongs, denounced against all  
 "the procurers of such laws, and  
 "especially the Magna Charta!  
 "Which, though Eliot so magni-  
 "fies, yet we shall find it abortive  
 "in the birth and growth!

"For it was not originally  
 "freely and regally granted, nor  
 "(if the petitioner would have  
 "dealt candidly in his allegation)  
 "so voluntarily confirmed. The  
 "beginning was in Henry the  
 "First's time, who was but an  
 "usurper upon the right of Robert,  
 "his elder brother; and to estab-  
 "lish himself in that usurpation  
 "did by it curry favour with the  
 "nobles and smooth the people—  
 "a low thing in a king! Wherein  
 "he granted away, peradventure,  
 "some of his regality to them,  
 "lest they should assist in taking  
 "away all from him. And for  
 "the confirmation of this Magna  
 "Charta, King John, having as

"crack a title as Henry the Firſt, had uſed the ſame policy in ſelling  
"his regality. For, being environed with a rebellious army in the meadows  
"of Staines, he was forced by a ſtrong hand to grant the Magna Charta de  
"Foreſtâ; which grants as aforeſaid were admitted by Pope Innocent.  
"Nor yet was the Magna Charta, thus extorted, a law, till the 52nd year  
"of Henry the Third. Neither was it then ſo freely enacted by the royal  
"aſſent (which is the form and life of a law), as wrung out by the long,  
"bloody, and civil wars of thoſe never-to-be-honoured barons! Yet was  
"poſterity loth to forego the price of ſo much blood, by them called  
"liberty; as it feared (through due revenge) that every act of their prince,  
"whom they had juſtly provoked, would lead to their bondage.  
"Yet, ſithence, have many pious princes ſuffered them to enjoy an  
"equal liberty under it; preſerving to every man his own vine.  
"But it never was, as now, eſpecially by a ſingle brain, made a  
"chain to bind the king from doing anything and a key to admit  
"the vaſſal to everything!!

"When I conſidered how I am bound to his moſt excellent majeſty,  
"both by law, conſcience, and religion, I thought it my duty to  
"diſcover the ſpirit of this man Eliot who makes law and conſcience  
"like a noſe of wax to ſerve all turns, though diſguiſed under the  
"pretence of loyalty and humility. The publication of this enſclosed  
"labours a diſaffection in the ſubject; yet it pretends information to the  
"prince (which ſhould be as ſecret as night); and being written with  
"his own hand, argueth an aim to popular glory, although to his ſove-  
"rein's improſperity. This bereaveth him of the benefit of all excuſe;  
"fixing this act of publication upon his will, ſo for his ſecret ends  
"to divulge it. Which I hold ſo fearful a thing in him, as I dare  
"not let any man have the ſight of it by me; but reſolve carefully  
"by one expreſs (left by packet it ſhould miſcarry) with theſe lines  
"to ſend it to your grace's hands; aſſuring you that your grace, as his  
"majeſty's beſt beloved and ſo intruſted ſervant, hath your ſhare in this.  
"For always the barbarous people's miſconceit of their prince's actions  
"lights firſt upon his neareſt and deareſt counſillors, as moſt obvious  
"to the vulgar eye.

"If that which is the only riches I have to boaſt of, my loyal  
"heart to his majeſty, and my faithful diſcharge of duty to your ex-  
"cellency, make me too bold in my way of writing to you, add to  
"what you have done for me by forgiving my faults, by ſigning out my  
"ways, which ſhall be kept by

"Your excellency's moſt humble and  
"obliged ſervant,

"Plymouth this 20th  
"December, 1627."

"JAMES BAGG.

"The commiſſion ſent down by Mr. Davyle for enquiring into Eliot's  
"vice-admiralty is returned by him; and it will be convenient that  
"your grace give order about it before it be returned into the  
"court."

But while the people thus have been appealed to by Eliot, the appeal to the courts made by Erle, Corbet, Hampden, Darnel, and Heveningham, has failed. It had been argued in the November term by Noye, Selden, Calthorpe, and Bramston, for the four first-named respectively : amid general and intense excitement. Sir Nicholas Hyde, sitting in the seat from which Sir Randolph Crewe had been recently removed for his dislike of the loan, presided as chief justice ; \* and Whitelocke, Jones, and Doddridge were on the bench with him. The common people crowded the court, and their shouts of applause at the arguments of the prisoners' counsel echoed through Westminster-hall. Mr. Attorney's return to the writs of habeas had justified the imprisonment on special command signified by the king through his council, and upon this Noye, Selden, and the rest, took issue both for form and matter, handling both with undaunted courage and extraordinary knowledge. The judges themselves were shaken. During a portion of Sir Robert Heath's reply some ominous interruption fell from two of the purses. "Mr. Attorney," said Jones, "if it be so that the law of Magna Charta and "other statutes be now in force, and the gentlemen be "not delivered by this court, how shall they be delivered? Apply yourselves to show us any other way "to deliver them." "Yea ; or else," interposed Doddridge, "they shall have a perpetual imprisonment." This difficulty, however, or demonstration ad absurdum, had left no trace upon the minds of these learned persons by the time the court delivered its collective opinion ; there being in vogue at this period a way of dealing with such insoluble judicial logic, which was afterwards plaintively referred to when the house of commons took up the case. "The commons do not know," said judge

\* "Shewing no zeal," says *Rushworth* (i. 420) he was removed to make way for Hyde. So *Whitelocke* (i. 20) ascribes Crewe's removal to his "not favouring the loan."

Whitelocke, "what letters and commands we receive." \* The prisoners were remitted to their various confinements, after judgment delivered by Hyde on the 28th of November that upon the records, precedents and resolutions cited, the court could not deliver them.†

Its only effect, naturally, was to increase the clamour for a parliament. Beaten back from the courts of law, the people turned with redoubled eagerness to that sole resource and refuge. Charles and Buckingham nevertheless hesitated still. Pressed by the unhappy Rochellers, on whom their wretched interference and its results at Rhé had now brought the combined and terrible wrath of France and Spain, they had already promised another expedition; ‡ and they shrank from the possible price that a parliament might exact for grant of the necessary subsidies. On the very day after the first order had been given at the council for issue of the writs, it was revoked; and, in the very teeth of the failure of the loan, it was yet thought possible to collect what was wanted by means of commissioners, who should be armed with powers to promise a parliament if the money were dutifully paid, and if not to threaten a "more speedy way." But the reception given to this appalled even Buckingham; and in a week, the commission was called in, and Sir Robert

\* "My father," says Bullstrode (*Memorials*, i. 24) "did often and highly complain against this way of sending to the judges."

† See abstract of the arguments and judgment in *Rushworth*, i. 459-62; and in detail in *State Trials*, iii. 1-59.

‡ According to the terms of this pledge (*Dumont*, v. ii. 538) the English king was not to abandon the huguenot cause until the forts around Rochelle were razed, and the ancient liberties restored. Of the alarm that prevailed as to France and Spain there can be no doubt, each day bringing some fresh rumour about the junction of their fleets, or the movement of Spinola in concert with Richelieu. There was not an English minister then living who was capable of understanding the character of the great cardinal, and that he was the last man on earth from whom any intimate alliance with Austria or Spain was to be feared. There is an elaborate paper of Conway's in the S. P. O. under date of December 1627 in which he warns the king of a Spanish design to root out the reformed religion, and of the French compliance therewith, to which end an invasion of Ireland was immediately on foot.



Cotton fent for to the council. Of courſe he adviſed a parliament.

The ſtate of the country at this moment, from the non-payment of arrears due to the diſbanded forces, and the effects of the general billeting of the ſoldiers of Cadiz and Rhé, had become alarming in the extreme. The old diſcharged and unpaid ſoldiers and ſailors, half perishing with diſeaſe and famine, made cities and high-ways alike unſafe; and the new preſs for men was univerſally reſiſted. Mutinous mobs paraded the ſtreets in London, and forced themſelves into York-houſe and Whitehall. In the country parts, deſperate and lawleſs outcaſts, billeted with private families, committed unſpeakable outrage. In ſome diſtricts reſiſtance was made, and many lives loſt; and remonſtrance unuſually ominous went up to the council.\* They were helpleſs. Everything was in Buckingham's hands. To complaints made againſt Bagge and his extortions by officers employed in connexion with him, there was no reply.† But upon one of the reaſons which Sir Robert Cotton had offered for a parliament, that this ancient way of redreſs, if now adviſed by Buckingham, might avert from the chief miniſter dangers that ſeemed otherwiſe imminent, the king appears to have jumped to a concluſion which he followed up with alarming promptitude. Such apprehenſions exiſting, and fears prevailing alſo of another

\* Lord Banbury bluntly wrote to the lord preſident that the people in his diſtrict "flatly reſuſed" the billeting, that he had no means of compelling them, and that ſomething "by fair means or foul" muſt ſpeedily be done. MS. S. P. O. There were propoſals actually before the council at this time to hang men up by martial law who reſuſed preſs money. Coventry the lord keeper diſapproved, or it might have been attempted.

† "I deſire not to have to doe with Sir Jeames [*ſic.*] Bagge. He never looks further into byſſines more than to gett monnies into his hands all hee can." And again: "I can gett from him no accompt at all for anything." So writes Sir Allen Apsley to Nicholas (March and April 1628), and numerous ſuch evidences might be given, beſides thoſe quoted already (i. 204, ii. 30, 36, &c.) of the eſteem in which this worthy was held even by associates whoſe good word he tried hard to propitiate. "For Apsley," he was at this time himſelf writing to Nicholas, "I am and wilbe his faithfull and true frend for he is an honeſt gentleman." (17th March, 1627-8.)

Spanish invasion, he resolved to make timely provision of defence by bringing over a foreign force. On the 25th of January the final decision for a parliament was arrived at; and on the 30th of that month, a day of terrible omen to him, Charles signed a warrant empowering Conway to pay over, through Burlamachi, to two officers in Buckingham's confidence now in the Low Countries, Balfour and Dalbier,\* thirty thousand pounds for a thousand horses, a thousand cuirasses and carbines, and five thousand muskets, corslets, and pikes. Carte with his honest prejudice believes that this equipment of a mercenary force of a thousand cavalry and five thousand infantry was in good faith to guard against invasion; but no impartial student of the times can doubt that its real purpose was to overawe the parliament. The parliamentary leaders themselves thought so, in resolutely preventing execution of the scheme; and their view is confirmed by Rushworth's remark, embodying doubtless the common belief, that these foreign soldiers were to force the people to pay excise duties and impositions.† Such impositions it had been resolved at the same time to

\* In Eliot's pencil-note of Courteney's conversation as to the disaster of Rhé, before quoted, it is mentioned in proof of the distrust with which the order for the first assault had inspired the officers, "the assault was set on by "Balfour and Dalbier." The draft of Conway's warrant is dated the 14th, but it was signed on the later day. When Burlamachi was subsequently examined about this business before the commons, he admitted that he had received thirty thousand pounds by privy seal for buying of horses; that one thousand of them were levied; that those horses with their riders were to come over; and that arms were provided for them in Holland. (*Rushworth*, i. 612.) What could be inferred but that the thousand levied were only a portion or infirmament of the design? And see in connection with this subject the curious proclamation (January 1627-8) for inspection of all the trained bands on Hounslow-heath. *Verney Papers*, 129-31.

† With almost incredible vacillation and bad faith Charles ordered a commission under the great seal, imposing an excise duty and other taxes on merchandise by his sole authority, within a fortnight after the writs had gone out for a parliament! He had to recall it, even the judges not daring to pronounce it legal; but it was the subject of bitter comment in parliament. See the commission in *Rushworth* (i. 614), who says elsewhere (i. 474) that it was to enforce this excise project the German levies were sent for.

levy ; and, with a parliament sitting, so to compel the people to submit to unlawful taxation was by force to put down its authority.

For the moment, however, it was only known that writs were out for bringing together once more the people's representatives ; and that on the same day when they were issued the leading country gentlemen, from eighty to a hundred in number,\* who remained still under restraint for the loan, were all set at liberty. Parliaments work wonderful things, as old Coke said. The suspended archbishop was reinstated ; Bristol received permission to take his seat in the lords ; and even Williams was let out of the Tower. In a very few days, amid such excitements as until then had not been witnessed, the noise of a general election sounded through the land.

#### VIII. THE ELECTIONS TO THE THIRD PARLIAMENT.

The whole of February and the early part of March, the writs having been made returnable on the 17th of the latter month, were occupied by the elections ; and except in the close corporation boroughs, and places where the councillors and great peers could nominate the members, not an adherent of the court was returned. It was a general election with a cry, and that was the loan. To have refused the loan had secured the good will of the people ; and not a single man imprisoned for it, who offered himself to the electors, failed to obtain a seat. As Heylin plaintively expressed it, for his majesty to have released those gentlemen who were so imprisoned, " was in effect but the letting loose of so many hungry lions to pursue and worry him."†

\* The names of 76 will be found in the council's order of release in *Rushworth*, i. 473 ; but the list is manifestly imperfect, even upon the assumption that several by confession and submission had obtained earlier release. The most casual glance at the warrants and papers in the S. P. O. will suffice to show this.

† *Cypr. Anglic.* 167.

Of the five knights who had sued their habeas, Darnel did not offer himself; and Sir Edmund Hampden, already in delicate health when carried to the Gatehouse, had sunk so low under his imprisonment that the order of release came too late to rescue him, and he died as the writs went out.\* The other three, Erle, Corbet, and Heveningham, were returned for Lyme, Yarmouth, and Norfolk respectively. All the six who had been disqualified for the previous parliament† received the choice of several seats. Sir Guy Palmes elected to sit for Rutland, and Sir William Fleetwood for Bucks. Suffolk as well as Bucks returned Sir Edward Coke, and Marlborough as well as Wilts returned Sir Francis Seymour. Both Alford and his son had a double return for Colchester and for Steyning. Sir Robert Philips carried Somersetshire against an extraordinary array of court influences; and in Yorkshire old Sir John Savile, backed by local interest of unexampled strength, and by all the powers of the northern presidency employed without scruple, was beaten by Sir Thomas Wentworth. At last that formidable person had declared openly against the court. Not that the loan, or his own imprisonment, would have effected what even his seclusion from the last parliament had failed to accomplish; but that an insult put upon him by Buckingham in his own county had stung him past the power of further endurance. Even in the open court-house, as he sat condescending to his sheriff's duties, "amid," as he expressed it, "justices, escheators, juries, bankrupts, thieves, and such kind of cattle," an ancient Yorkshire

\* Among the S. P. O. MSS. under date of June 1627, is a certificate to the effect that Sir Edmund Hampden, prisoner in the Gatehouse, is dangerously sick, and urgently in want of fresh air, and help and counsel of the best physicians. The result is told in a subsequent letter (9th January, 1627-8) from Rowland Woodward to Francis Windebanke in which, speaking of the release of the loan prisoners as sure proof of preparation for a parliament, he adds: "One of them, Sir Edmund Hampden, is 'lately dead.'"

† *Ante*, i. 443-4; 475-6.

dignity was taken from him to be conferred on Savile ; he saw that he could only rise to power when the power of Buckingham should be broken ; and, remembering also former wrongs and grievances from the courtiers,\* he determined at once and finally to avenge himself upon the court.

In London the excitement was intense. The recorder, Sir Heneage Finch, Speaker of the last parliament, had not resisted the loan, and it was resolved to exclude him from the representation. Since the conquest, it was said, the city had never failed to send her recorder among her representatives to parliament : " but for all that antiquity," wrote Mr. Herbert to Lord Fairfax, " they would not endure to have him in the nomination, for they find he hath relation to whom they do not affect," and they have " with great disgrace rejected him." The four whom they elected, Aldermen Monson and Clitheroe for knights, and Alderman Bunce and Captain Henry Waller for burgesses, were " all of them that suffered for the loan ;" and among them Captain Waller had been conspicuous for known friendly intercourse with Eliot, and for expressed admiration of that service in the former parliament which had drawn upon him the anger of the king.†

Another friend of Eliot was less fortunate in Westminster ; nor perhaps was there any indication of the prevailing excitement more striking than that Sir Robert Cotton should have been passed over by that city. Notwithstanding his notorious services to the parliamentary leaders, he had not openly resisted the loan ; and he was known to have been taken into council at Whitehall. This was enough to justify, even to friends and neighbours, a desertion of him, which nevertheless sufficed not to justify to himself any desertion of princi-

\* See *ante*, i. 279—282.

† See *Fairfax Correspondence*, i. 89.

ples or truths which he knew that these men loved only less wisely than he, and not less well. On his ultimate return for one of the small Norfolk boroughs, he took his seat by the side of Eliot; and was with him, assisting and advising, through the heat of the struggle in this great parliament.

Buckingham at this time was steward of Westminster, and by using the influence of that office had twice forced into the representation his agent, Sir Robert Pye. A moderate man, and personally not unpopular, Pye's connection with the duke was nevertheless now fatal to him. Mede wrote to Stuteville that the election had been going on for three days; that Sir Robert never had a chance; that the feeble cries of his friends for a Pye! a Pye! were overwhelmed with derisive shouts for a Pudding! a Pudding! and that in fine Mr. Bradshaw, a brewer, and Mr. Maurice, a grocer, had carried it from him by above a thousand voices. The learned gentleman felt a natural regret that the electors should have passed by the other Sir Robert, in favour of those ordinary tradesfolk; and he says that such was the character of the elections everywhere it was supposed the parliament could not last above eight days.\*

In the counties, and especially those neighbouring London, the same extraordinary scenes went on. Unavailing was every effort to bring the powers of the council to bear upon freeholders. The only result was to destroy completely what remaining chances the court might have had. A few days before the nomination in Essex the high constable of Tendring-hundred carried to the popular candidates, Sir Francis Barrington and Sir Harbottle Grimston, an order he had received signed by three justices of peace, requiring him to bring, on the day fixed for the election, as many freeholders of his hundred as he could to Chelmsford, there to vote for

\* Letter among the Birch Transcripts, 8th March, 1627-8. See *Court of Charles I.* i. 327.

two such to be knights of the shire as the major part of the justices would then be prepared to nominate to them, by direction from the king and council. Similar notices, it was then found upon enquiry, had been sent to the other hundreds; and the result was that the nominees of the council had scarcely a hand held up for them, while Barrington and Grimston were attended to the polling-booths by fifteen thousand men, of whom from ten to twelve thousand were freeholders.\* Assertion was afterwards made that false votes had been created for the purpose of the election; but upon a subsequent searching inquiry before the commons committee, nothing was established but those illegal attempts of the justices and privy council.

The same were tried with the same results in other places. In Bedfordshire the court was beaten by Sir Oliver Luke; in Dorsetshire, by Sir John Strangways; in Hertfordshire, by Sir William Lytton; in Kent, by Sir Dudley Digges; in Lincolnshire, by Sir William Armyne and Sir Edward Ayscough; in Northamptonshire, by Richard Knightley; in Hampshire, by Sir Daniel Norton; in Suffolk, by Sir Nicholas Barnardiston; in Worcestershire, by Serjeant Wylde; and in Glamorganshire, by Sir Robert Mansel; all of whom brought in with them colleagues of the same opinions, though of less distinction than themselves.

The lawyers who had done battle in the courts, and demolished the prerogative doctrines of Mr. Attorney, received eager welcome. Bramston and Calthorpe did not offer themselves; but Noye was returned for Helston, Mason for Winchester, Selden for Ludgershal, Cresswell† for Evesham, and Littleton for Carnarvon. Other lawyers of great distinction carried also seats against the council. Hakewell sat for Amersham, Whitby for Chester, Henry

\* Letters of Feb. 20th and March 22nd, 1627-8, Beaulieu to Pickering, and Mede to Stuteville. See also MSS. in S. P. O. 4th of March, 1627-8.

† More correctly, Cressfield. See *Foss.*, vi. 288

wards defeated him and he had to take refuge in an Irish barony. The gossiping letter-writer Howel, recently appointed secretary to the lord president of the north (Scrope), had been able, by the powers of the presidency, to carry Richmond against Wandesforde; but his more popular adversary at once found refuge at Thirsk, and even Howel, bound as he was to support the government, had fore misgivings that he would not be able to support the duke. "I pray God send me fair weather in the house of commons," he writes, "for there is much murmuring about the restraint of those that would not conform to the loan."\* In something of the same temper, though much had been done to conciliate him lately,† Sir Henry Marten found himself member for Oxford university. Sir James Bagg managed to return himself for Plympton, but Sir John Drake was turned out:‡ and though Buckingham

\* *Letters*, 199–200. The disputes in these very small boroughs, which generally resolved themselves into whether the mayor's or the recorder's party in the corporation had the right of vote, were incessant. Cottington had great ado to keep his seat, and for mal-practice in his return the mayor of Saltash was punished by the house. Not without reason, seeing that Bagg gives testimony in his favour! "My beloved and most true friend," he writes to Nicholas, "I have now written unto his grace in behalfe of the maior of Saltash, against whome there is noe founded complainte. The man deserves exceeding well; is to me a frend; gave me, against the opposition of S<sup>r</sup> Richard Buller, their recorder, and divers others, a burgeshipp w<sup>ch</sup> S<sup>r</sup> Fraunces Cottington hath; and tells the world *he is the Duke's servant*. Shall this man suffer, and for noe faulte? Oh! I wish his charges could be borne, to receaue from my lord some speciall countynance, that he might glory in his journey! Good my frend, steede me in the preferuation of his credditt and in the comfort of his spiritt." MS. S. P. O. 6th April, 1628.

† *Ante*, i. 335–7; 508–9. Attempts had been made after the second parliament, with partial success, to patch up the disputes between Marten and the duke; and there is a notice of them among the S. P. O. MSS. which I mention for the comment it suggests on Buckingham's proceedings against Eliot in the matter of his vice-admiralty. It is the memorandum of a conference, on the 21st of May 1627, between the duke and Sir Henry, wherein the latter desires to retire from his judgeship of the admiralty on the ground that the duke *would have all ships taken to be judged prize*, while the duke earnestly protests that such was not his meaning.

‡ As he has played a somewhat conspicuous part in my narrative, I may



secured Nicholas a seat at Dover, he failed, lord warden as he was, to put in even Sir Edwin Sandys himself\* for Sandwich; while in Romney, another of the cinque ports, he was beaten by Thomas Godfrey, Eliot's friend.

Such defeats, before unheard of, now became common. It is indeed curious, and not wanting in a certain pathos, to observe the straits to which the ministers were put, as in these and other seaport places their old supporters generally fell off from them. Conway had built upon Yarmouth and Southampton, and was full of marvel to have received such cold answers. Sir John Oglander was grieved to have to acquaint my lord the secretary that Newport *would not* elect his son Edward. Mr. Henry Holt from Portsmouth sent up his regrets that he could not help Mr. secretary Nicholas as to that town. Sir Allen Apsey had been promised by his grace of Buckingham a burgess's place at Rochester, and could not conceal his disappointment. Conway had set his heart on finding a burgess's place for his son Ralph, and had applied without effect in several quarters. The people of Sandwich wrote dutifully to the duke, but were unable to say yea to his wishes; and even in Dover most extraordinary exertion had to be made to bring in his grace's secretary. The governor of the castle, Sir John Hippisley, was at the same time painfully conscious of Buckingham's necessity to bring in as many burgesses as he could, as well as to provide that they should be only such as would comply with his majesty's occasions.†

But for all the loss and discomfiture there was yet supposed to be within reach what might have been held

add that the elder Drake died little more than a month after the meeting of parliament.

\* See *ante*, i. 227. Authorities for the facts stated as to Buckingham will be found in the S. P. O. MSS. under date of the 25th of February and 12th of March, 1627-8.

† MSS. S. P. O. under dates respectively of the 31st of January; and, 6th, 21st, and 25th of February; and 1st, 4th, and 12th of March; 1627-8.

as sufficient compensation. Were it but possible to exclude Sir John Eliot?

The first step taken was to make public the fact of his outlawry on certain judgments obtained against him in the admiralty court.\* "Sure the house," wrote Bagg to the duke, "will never take outlawed men, and men who obeye not lawes, to be lawe-makers! If it be moved, and his ma<sup>tie</sup> deny his pardon, I conceive they will be put out of the house."† Alas! it was but the faintest hope, and everything looked adverse to its chances of fulfilment. On his release from the Gatehouse‡ Eliot had been received with enthusiasm in Cornwall. Newport, the borough he had represented in the first parliament, offered eagerly again to return him; but he made his choice this time to be knight of the

\* See *ante*, 64. Exact copies of three outlawries appear in a manuscript memorandum preserved in the S. P. O. under date of the 25th March, 1629, and endorsed as "upon record ag<sup>t</sup> S<sup>r</sup> John Elliott wheerof "twoe after judgm<sup>t</sup>." It is not necessary that I should subjoin textually more than the first. "London SS Ex<sup>o</sup> Johem Ellyott nup de London "militem alias dom<sup>i</sup> Johem Elliott de porte Elliott in Com Cornub militem "utlagerr in London die Lune p<sup>x</sup> ante festum s<sup>c</sup>i loedegarij Eps<sup>o</sup> & martiris "anno regni R<sup>i</sup> Car<sup>o</sup> &c. quarto ad fest Willi Carrigue gen<sup>o</sup>osi de plito "debi unde convict<sup>o</sup> est 200<sup>li</sup> 9<sup>s</sup>m 70<sup>d</sup>. DOWDESWELL." The second was at the suit of Samuel Rabanockes for the same sum of 200<sup>li</sup>; and the third was at the suit of Geoffrey Weekes for 46<sup>li</sup> 7<sup>s</sup>. The reason for their appearance among the MSS. of the S.P.O. under the particular date of the 25th of March will hereafter be seen.

† MS. S. P. O. Bagg to Buckingham. 17th March, 1627-8.

‡ The order of release bears date the 2nd of January, 1627-8. I take this opportunity of supplying further facts and dates connected with Eliot's imprisonment in the Marshalsea in 1623 (Book II. sec. v.) which I have been able to determine positively since that portion of my work was printed. The first writ to the keeper to take Eliot into custody (*ante*, i. 59) is dated the 4th of July. Corroboration also of what had occurred to me concerning Conway's effort to obtain Eliot's release (i. 82-84) is curiously afforded by two orders of council, the second of which, bearing date the 27th of September, revokes its predecessor, and remits Eliot, upon complaint, to the custody of a messenger of the chamber. But the most important discovery is the date of his ultimate discharge out of custody of the messenger, by order of council on the 23rd of December, and by "motion made on "behalf of the Lo. Admirall;" thus at once settling the doubt (i. 86) of whether or not Eliot's liberation had been due to Buckingham; and resolving also the further question of whether or not the letter appealing to the duke (i. 123-125) had been addressed to him from prison.

shire, and at his suggestion Mr. Trefusis, one of his friends whom Bagg's conspiracy had excluded from the commission of the peace, took his place at Newport.\* Nothing could exceed the dismay of the confederates, all of them constituent members of that "choice and well-affected provincial government" which it was Bagg's pride to have conspired to build up in Cornwall, when the prisoner from the Gatehouse, the petitioner against the loan, the man most known to be disaffected to the duke and the court, made sudden appearance among them with half the county at his heels. Electors, trooped and

\* Among the Harleian MSS. (No. 6799, fol. 335<sup>b</sup>) I have found the copy of a speech by Eliot, delivered in the house on Friday the 28th March, 1628, having relation to this very election for Newport. It has not before been printed; and, besides its illustration of my remark as to the incessant disputes that went on in these boroughs, it offers curious evidence of the way in which "the inhabitants or freeholders" in all such places were now pressing their claims against "antient custome," and obtaining recognition of their rights. On the eleventh day after the third parliament met, Eliot rose and said: "Mr. Speaker, I am to crave yo<sup>r</sup> advise and resolucōn concerning o<sup>r</sup> selves in the matter of election. The burrowe of Newport in Cornwall is to p<sup>r</sup>sent two Burgessees; and they have made their eleccon; but w<sup>th</sup> some difference of opinion. Some p<sup>r</sup>tend that the officers w<sup>th</sup> they call [word left blank,] and they have the eleccon; and they suppose an antient custome for it. Others thinke y<sup>t</sup> it concerneth them and resolve (as a way best agreeable to the libertie of a subject) that it should bee committed to the vote of the greater pte of the inhabitants or freeholders there. The officers differ amongst themselves: for one of them, finding his fellow would not ioine w<sup>th</sup> him in the equall nominacon, p<sup>r</sup>sumeth to name both. I was p<sup>r</sup>sent at the Co<sup>r</sup>t, and therefore I doe p<sup>r</sup>pound it. The other, finding the difference, and that the power was not in him alone, ioynes w<sup>th</sup> the inhabitantes and goes to an eleccon. In that eleccon they were all willing to conferr the first place on mee, having form<sup>ly</sup> served them; but, being otherwise elected, I desired them to put it upon a neighbo<sup>r</sup> of myne in the countie, and hee for the first place was chosen w<sup>th</sup> the gen<sup>all</sup> consent of all. For the second place, there was in competicon Sr W<sup>m</sup> Killegrewe and Mr. Edgcombe, and for these there is some question. The Sheriffe hath onely made retorne of Mr. Trefuse; and Sr W<sup>m</sup> Killegrewe is obnoxious to question. A certificat was sent up to that purpose. The Clarke of the Crowne passed not this certificat made to him; but after some interference hee stopps the certificat, soe y<sup>t</sup> wee cannot have the true member of the house. I would know whether the Sheriffe's retorne bee not a sufficient warr<sup>t</sup> for us to have a member; or if it shalbee obnoxious to the Clarke of the Crowne to stopp this or all other retornes at his pleasure." The matter was referred to the Committee of Privileges.

banded together by hundreds, followed the friends who went out to meet him. "Here," wrote Bagg in his letter above quoted, "we had Bevil Grenville, John Arundel, and Charles Trevanion coming to the election with five hundred men at each of their heeles and lodged in townes together, which in itself is not only unlawful so to give their voices and to assemble such a bodie of men, but they by their so coming through feare doe constraîne or exclude those that indifferently thought to give their voices." Could there be a plainer interference with the right of free election?

The remedy, it was felt, must be prompt and decisive, and steps were taken to make it so. With what view had the late changes in the commission been effected, and the new justices been picked and selected for their good affection to his majesty's government, if not to do service in such difficulty as this? Accordingly the gentlemen so favoured by his majesty, deputy-lieutenants and justices of peace, Sir Reginald Mohun (father of John), Sir Barnard Grenville, Sir William Wray, Sir Richard Edgcombe, Mr. John Mohun, Mr. John and Mr. Edward Trelawny, Mr. Richard Trevanion, and Mr. Walter Langdon constituted themselves a kind of royal commission; \* declared that the care of the county of Cornwall had been entrusted to them by his majesty's council; announced it to be their duty to secure a free election for knights of the county by naming beforehand those who should be presented to be chosen by the freeholders; and, in compliance with such ancient and laudable custom, as they termed it, now named accordingly, as most fit to be so elected, Mr. John Mohun and Sir Richard Edgcombe: communicating their decision to all parts of the county, to "the high sheriff and other

\* Bagg afterwards made an attempt to get a royal commission formally issued, by which the gross illegality of the pretended commission might to some extent have been condoned; but it was too late. The names for which he solicits it, "or any three or foure of them," are exactly those in my text. MS. S. P. O. 17th March, 1627-8.

"gentlemen and freeholders," by means of the official posts appointed and provided for his majesty's special service, and summoning the trained bands to be present and to assist at the election! \*

That was a strong proceeding, but it was not all. At the same time they sent letters subscribed with all their names to Eliot and Coryton, warning them against persisting in their attempt to present themselves to the electors; and to the freeholders generally, in letters similarly underwritten, they made appeal that they should not, by electing Eliot and Coryton, give their voices to men having perverse ends, and respecting not the common good, but likely to breed mischief in the state, and whom they further branded as unquiet spirits, who were under his majesty's ill opinion. When these letters became afterwards matter of question in the house of commons, Sir Richard Edgecombe went before the committee and declared, that, though he had attended the meeting, he had not himself adopted or sanctioned either of the letters. What alone he was responsible for, was the having put his name to the postscript of the second letter, intimating his willingness to stand for the county with Mr. Mohun; and this, he said, he only signed upon assurance given him that Sir John Eliot and Mr. Coryton intended not to stand. He would willingly otherwise, he added, have given his choice to those gentlemen, because the county had shown itself resolute to have none other. †

\* The account of these extraordinary proceedings given in the text is drawn from a very elaborate manuscript report of the committee of the house of commons, to which it had been referred to make enquiry into this violation of the liberties of parliament, which I found among the papers at Port Eliot. A great portion of it is in the handwriting of Sir Robert Cotton who acted as chairman of the committee.

† MSS. at Port Eliot. Sir Robert Cotton's report. "This his ingenious declaration," Sir Robert notes in the margin, "and in part justified by Mr. Coriton, caused the committee not to conceive him a like guilty of the praetise w<sup>th</sup> the rest." Worth subjoining also is his comment on the letters denouncing Eliot as in ill-favour with the king. "Scandall to the whole county that they will drawe his ma<sup>ties</sup> just indigna<sup>tion</sup> upon the

That was indeed the truth. The popular will so swept away resistance as to leave to Bagg's "choice and "well-affected" spirits not even so much following as would have justified an appearance at the polling booths. Active part was not at any time taken by Eliot himself. He had but to make his appearance to be at once elected. Such exertion as was made in the way of popular appeal proceeded from Coryton, who at the outset had taken measures to ascertain the people's inclination; through the ministers or clerks of the parish churches in the county, had obtained his "ticket" to be read to the congregations; and therein had invited, according to the ancient laws, every freeholder of the value of forty shillings to exercise the franchise.\* A cry against this had been raised by Bagg;

"country for opposinge his ma<sup>tie</sup> in choosinge Sr John Eliott and Mr. Coriton: and so exclude the subject from their soveraigne's favour; and leve to the country hopeles to obtaine their petitions from his ma<sup>tie</sup>. This was concedered a straunge boldnes to measure the iustice and goodness of the kinge by the tale of their owne splene or fancie." The terms in which this portion of the enquiry was formally reported to the house may be added (*Journals*, i. 897): "Which the committee took to be a strange presumption in them, to take upon them to know his majesty's mind."

\* A subsequent letter of his to the duke (MS. S. P. O. 16th March 1627-8), more minutely detailing the course taken by Coryton, is a curious illustration of the views held by adherents of the court on the subject of elections to parliament: "I now send you Coryton's tickett, *the like of w<sup>ch</sup> he distributed to be read in most of the parish churches of Cornwall.* It invites an assembly, an acte in him (not authorised) unlawfull, although he invites it for the seeinge of a fare carriage in the election; yet his way is so generall as discoveringe the lawe to give liberty to all freeholders of forty shillings to have and give there voyces. He seemes to imply that they ought (yf of that valew) to be present. And whereas the returne ought to be that they are elected w<sup>thout</sup> common prayer, he hath used noe other meanes BUT common prayer, w<sup>ch</sup> destroyes a free election. And as formerly whereas none but the sheriffe can assemble them, be pleased to understand that it will be proved, before his ma<sup>tie</sup> declar'd himselfe to call a parliament, he labord to gett voyces by the wayes of his nearest frendes; and although he signed not his tickettes, yet the clarkes or parsons of parrishes intymated it was his and his desire to pray there prefence and voyces. And yf he be examyned, his directions to his servants and frendes wilbe discovered; and somewhat by the article of who of his frendes advised him to stand. His wayes; Bevell Greneville's letter; Arundle and Trevannion, there country carriage;

but as the election went on, and the will of the county irresistibly expressed itself, his anxiety turned in the direction exclusively of saving Mohun.

Not alone for these election matters, but by his mal-administration of the Stannaries, that most unscrupulous of Bagg's friends had exposed himself to the just anger of the commons ; and in the upper house only could he now have chance of safe refuge from attacks and enquiries which Bagg felt must involve himself also. He renewed with a desperate pertinacity, therefore, upon the triumphant return of Eliot and Coryton, his application for a peerage for Mohun. "What I write to my lord," he adjured Nicholas, "you will have sight of. Advance my desires ! "Mohun, who is now his servant, will be more able, yf "his grace give him honour, which he will deserve. "He desires to be a barron by the tytle of John Lord "Mohun, barron either of Polroade, Launceston, Bod- "myne, Loftwythiell, or Boconocke ; one of these five. "Let it be your part to mynde his grace. It shalbe "myne to make *him* thankfull." What he wrote to the duke was dated the same day. "I have here enclosed to my most gracious lord a paper of Mohun, "his thoughts and myne. Mr. Mohun is foe yo' "servant as in life and fortune in yo' service wilbe my "second. Inable him by honor to be fitt for you ! Soe, "in the upper house or in the country, will he be the more "advantageous to y' grace. He is honest, and I am "his pawne for his constancie. He desires to retaine the "name of Mohun, and to be baron either of Polroade, "Launceston, Bodmin, Loftwythiell, or Boconocke. "Did I not more desire this for yo' grace his service "than for any other respect I would be silent, as I will "in all things w<sup>ch</sup> concerne myself but the bould declaring mee to be yo' excellencie's most bounden ser-

"must breed a beleefe in you that yf they retorne w<sup>th</sup> power, they "will act as they have had longe intention. My thoughtes are not at "rest."

“vant and slave.” “Lett me not,” he resumes, two days later, “lett me not take up the pretious tyme of my most excellent lord! only lett me mynde and pray you to take care of Mohun!”\* These letters were written a few days after parliament met, and the month of April had hardly opened when Mohun was taken care of. His patent of peerage dates a week or two later; and at about the same time his associates in the attempt to overawe the right of free election in Cornwall were also taken care of. By order of the commons, some were sent to the Tower, and some to the custody of the serjeant; nor did it seem as though Mohun himself was to escape to his new rank, undisturbed by attentions of that kind. He had scarcely taken his seat in the lords when Eliot gave notice of a motion for enquiry into his mal-administration of the vice-wardenship of the Stannaries; and what further this memorable Cornwall election led to will be told in its proper place.

Here may be added meanwhile an illustrative anecdote. The peerage thus obtained was not a month old when an old soldier and servant of the state, Sir William Courteney, conversed with its dignified possessor; and related afterwards, for Eliot’s edification, the wisdom imparted to him at the interview. My lord had spoken frankly on the subject of parliaments. While they continued to exist, he said, no state could ever be well ordered; because in parliament every man would have his own fancy, and so nothing could be brought into any certainty of settlement by that course. For his own part he would prefer to commit, under authority from the privy council, the direction of businesses in the several counties to a certain number of men selected in

\* MSS. S. P. O. Under dates respectively of the 17th and 19th of March and the 6th of April. Bagg’s answer to Eliot’s petition (*ante*, 87) appears now to have rendered him, in the duke’s opinion, an authority on constitutional points, and there is a postscript by Bagg to his first letter showing that he and the duke had been conferring on our English chronicles!



each for the purpose (his friend Bagg's "choice provincial governments" in short); whereby, my lord was convinced, public affairs would be better ordered and disposed. The words were thought worth preserving by Eliot,\* without comment: but we may imagine the remark interchanged between him and Courteney, sitting that summer day after dinner at Cuddenbeck, upon the value of the addition made, in the person of their speaker, to the ornament and stability of the throne.

Of the remaining elections little more needs to be told. The western places were among the last, and the popular excitement went on to the end. "We are without question undone," said a collector of news for the court, as he went over the names of men known not more by their personal influence than by their personal wrongs. It was not merely that the country party had been everywhere successful, but that the leading and powerful men of that party had been almost universally returned. It will be, exclaimed another of Mr. Mede's correspondents, who had heard a lord make estimate of the real and personal estates of the men elected as in amount sufficient to buy the upper house thrice over, the most noble and magnanimous assembly that ever those walls contained!

The parliament that was to render itself more illustrious than any yet assembled in the old chapel of St. Stephen had now indeed brought itself together. There was to be only one in our English history more famous; and but for the work done by this its predecessor, reaffirming and strengthening the ancient liberties for the struggle which awaited them, that other and greater meeting could not have been. The Third Parliament requires to be carefully studied, if the sublime patience of the English people through the twelve years' trial that intervened before the Long Parliament met is to be rightly understood, and if the acts of the Long Parliament itself are not to be judged superficially or hastily condemned.

\* In memorandum (*ante*, 78), of dinner-talk with Courteney July 1628.

## BOOK NINTH.

THIRD PARLIAMENT OF CHARLES THE FIRST.  
1628 (MARCH TO JUNE). ÆT. 38.

- I. Opening of the Session.*
- II. The Resolutions for Liberty of the Subject.*
- III. The Petition of Right.*
- IV. Conflict of the Houses.*
- V. Defection of Sir Thomas Wentworth.*
- VI. The Third and the Fifth of June.*
- VII. Election and other Committees.*
- VIII. Close of the Session and Appeal to the People.*

## I. OPENING OF THE SESSION.



OUR days before the king went down to open the session some leaders of the commons met at Sir Robert Cotton's house. The numbers cannot now be stated; but from a memorandum among Eliot's papers it is certain that among others they comprised himself, Sir Thomas Wentworth and his now brother-in-law Mr. Denzil Holles, Sir Robert Philips, Mr. Pym, Mr. Edward Kyrton, Mr. Selden, and Sir Edward Coke; and that their conference turned mainly on the question whether the impeachment of Buckingham should be revived. Upon this, Eliot's opinion was overruled; and it was further resolved that the subject to which it then was settled to give precedence should have consideration and redress even before attention was given to religious wrongs. Those, argued Coke and Selden, concerned the well-being of

the kingdom and commonwealth, but its very being claimed first to be re-established. They must re-animate the body before they administered to the soul. Since England was England, no such mortal wounds had been inflicted on the liberty of the person as in the interval since the last parliament. To reassert in that particular, and settle beyond further dispute or denial the ancient laws, was the duty first imposed upon them. Nor was the cause of justice less than religion itself the cause also of God. Their personal liberties would carry with them those of conscience and religion. Eliot seems not to have taken ground adverse to this in his argument, except by asserting that good laws had no life under an evil or incapable administration; that the shames from which England suffered were not separable from those that had inflicted them; that the wrongs to religion were a part of the wrongs to liberty; and that protection of the subject from ill-government of every kind must be of necessity imperfect until the king was himself protected from evil counsellors. In consenting to refrain, therefore, from naming Buckingham in the first debates, an intention at the same time was stated of opening all the grievances when proper time should present itself; and we shall find that when afterwards to have done this was made a reproach to Eliot, he was cleared by the testimony of Philips and Wentworth to what had passed this day.\*

On the morning of the 17th the opening of parliament was preceded as usual by a sermon at St. Margaret's before the king and both houses. Laud preached it; taking for his text Paul's exhortation to the Ephesians to keep the unity of the Spirit in the bond of peace; and defining such unity to consist in abstaining from all attack on his majesty's government in church or state. So to employ religion before men in the temper of the commons' house at this time, was to offer them deliberate

\* See *Rushworth*, i. 593; and *Parl. Hist.* viii. 163.

offence ; and none more bitterly than Eliot resented it. The very meeting they had lately held, the counsel they had taken together, was put in contrast with the other unity as a *concoris odium*, a unity of hatred, a unity against unity ; they were accused of combination not union ; their meeting was called a *consortium factionis*, a consenting in a faction, not an alliance for peace ; and they were characterised as men who already having too much liberty were anxious to have a little more.\* The sermon over, parliament was opened by a speech more offensive even than the sermon.

The king told the commons that his only object in calling them together was that they should vote him a sufficient supply ; that he hoped they would not so far give way to "the follies of some particular men" as to put this in hazard ; that if they did so, he should himself use those other means which God had put into his hands ; and that they were not to take this as a threatening, for he scorned to threaten any but his equals. He added that he should easily and gladly forget and forgive what was past, so that they would but follow the counsel just given them, to maintain the unity of the Spirit in the bond of peace.† This was fair warning of the temper of the sovereign. But to the majority of those who listened it was not less the measure of their power to dispose of such pretensions. The fear of this was what those big words were meant to conceal.

Upon returning to their house, after hearing the lord-keeper in more tempered phrase expatiate on the necessity of a large supply to meet the dangers the kingdom was in from the combination against it of the leading continental powers, no objection was made to the proposal of Edmundes, the treasurer of the household, that they should take Sir John Finch for their speaker.‡

\* The sermon will be found in the *Works of Laud*, i. 155-182.

† *Parl. Hist.* vii. 339-40.

‡ MSS. S. P. O. 17th March, 1627-8. Sir John was the son of Sir

Now six years older than Eliot, he had sat in only one parliament; and though he had turned to some profit his father's legal reputation, he was never himself in good esteem as a lawyer. Courtly and compliant he was known to be; but unless by Eliot, who knew him for a friend of Bagg's, the degree of his baseness and servility could not have been guessed at.\* Very proud of their choice, however, they could hardly have been, after hearing the speech which he addressed to his majesty on the following day.

The whole of that Tuesday, and the Wednesday and Thursday following, were occupied by the swearing of members and the naming of committees; and on Thursday, at the committee for religion, during the proceedings preparatory to an address for a general fast, and when both secretary and treasurer had eagerly seconded the suggestion much after the fashion of Laud in his sermon, as a means to unity and peace, Eliot very impressively interposed. I have found the speech among his papers. He did not rise, he said, to hinder or divert the resolution that was intended. Far might it be from him to oppose a thing so essential as an act of piety at any time, and a work of humiliation then. But let them not be misled in such a work as that. Its greatness and its necessity made more needful the preparation towards it. Let them consider what it was they sought. Was it, indeed, the Unity of which they heard so much? "Sir," continued Eliot, "the evils of guilt and punishment are before us. All things threaten us with misery and affliction. All things cry for justice from above. Even the acts themselves of our humiliation, and our

Henry Finch, who wrote the book (*Finch's Law*) which before Blackstone's time was part of the necessary reading of a student.

\* "My good friend Sir John Finch," Bagg writes to Buckingham, "must not insinuate with the house. He must endure their frownes, and hazard his credit with them for his ma<sup>ty</sup> service." MS. S. P. O. The letter is dated from Plymouth the day before Finch's election, so that the intention of the court to propose him must have been well known.

“former insincerities (I fear) in those acts, have been  
“evils that now require some caution by the way, that  
“we turn not our pieties to impiety.”\*

The particular allusion was probably to the fast which had been ordered by the court immediately after the violent dissolution of the second parliament. Of the general intention of the speaker, the noble expressions which followed left no doubt. In his eagerness to protest against the political uses to which Laud and Finch were applying religion, he ran indeed the risk of himself giving some offence to the more ardent puritans; but he had never at any time made a secret of the points in which he differed from them, and bitterly as he opposed, before the close of this parliament, the misgovernment and mal-administration of the English church, he as unceasingly upheld her doctrine in what he believed to be its purity, as he attacked vehemently every effort to lead her in the direction of Rome. Arminianism he thought only less hateful than popery; and the endeavour of the English bishops to employ it for political purposes formed the ground of his resistance to those right reverend lords. Applicable in much to Eliot is what was later said of his friend Lord Essex by Clarendon, that he was as devoted as any man to the book of common prayer, and that his dislike to the temporal privileges and power of the bishops arose from the belief that if they had fewer diversions from their spiritual charges it would do the church no harm. But believing also Protestantism to be a protest against setting up man above God, he joined the most strenuous of non-conformists in resisting the encroachments of convocation. Every attempt to compel uniformity of discipline and doctrine found in him a resolute opponent. That was a form of orthodoxy including for him almost every pretence that constituted the objection

\* From the MSS. at Port Eliot.

to Romanism. To the last he resisted it; while to the last he remained within the pale of the church, only seeking to widen it for every claim of conscience founded on true belief; and the distinction between such opinions and those of the puritans, whom the alliance of Eliot and his friends was now strengthening for the work that in later years awaited them, was perhaps never so forcibly or finely expressed as in the general tone and character of this speech of Eliot's, now printed for the first time.

"Religion," he proceeded, "is the chief virtue of a man, devotion of religion; and of devotion, prayer and fasting are the chief characters. Let these be corrupted in their use, the devotion is corrupt. If the devotion be once tainted, the religion is impure. It then, denying the power of godliness, becomes but an outward form; and, as it is concluded in the text, a religion that is in vain. Of such religion in this place, or at these times, I impeach no man. Let their own consciences accuse them. Of such devotion I make no judgment upon others, but leave them to the Searcher of all hearts. This only for caution I address to you: that if any of us have been guilty in this kind, let us now here repent it. And let us remember that repentance is not in words. It is not a *Lord! Lord!* that will carry us into heaven, but the doing the will of our Father which is in heaven. And to undo our country is not to do that will. It is not that Father's will that we should betray that mother. Religion, repentance, prayer, these are not private contracts to the public breach and prejudice. There must be a sincerity in all; a throughout integrity and perfection, that our words and works be answerable. If our actions correspond not to our words, our successes will not be better than our hearts. When such near kindred differ, strangers may be at odds; and the prevention of this evil is the chief reason that I move for. Nor is it without cause that this motion does proceed. If we reflect upon the former passages of this place, much might be thence collected to support the propriety of the caution. But the desire is better to reform errors than to remember them. My affections strive for the happiness of this meeting, but it must be had from God. It is His blessing, though our crown. Let us from Him, therefore, in all sincerity expect it; and if any by vain shadows would delude us, let us distinguish between true substances and those shadows. It is religion, not the name of religion, that must guide us; that in the truth thereof we may with all Unity be concordant: not turning it into subtlety and art, playing with God as with the powers of men; but in the sincerity of our souls doing that work we

"come for. Which now I most humbly move, and pray for that  
"blessing from Above."\*

Monday the 24th had been appointed for opening general business, and on that day the secretary was to submit a proposition for supply. But he was anticipated. The public grievances were first to find utterance. The house sat to an unusually late hour on Friday the 21st, settling its orders of proceeding at committees, and naming the several chairmen; and early on the following morning Sir Francis Seymour opened a debate which deserves a place with all things worthiest in our history.† Eliot spoke second. After him, May and Edmundes, the chancellor and the treasurer, made strenuous endeavours to weaken the effect produced. Then followed Philips in one of his greatest efforts; and Rudyard, having had time and opportunity to cool since his heats against Buckingham, once again attempted, but never with such trembling hand, to hold a balance never again to be perfectly adjusted in that generation. Wentworth and Coke spoke last. Making of course one exception, only the general tone of these speeches can find mention here; but the rest, though tampered with and interpolated, are accessible in printed reports, whereas Eliot's, greatly the most important, has never had record until now. That "Sir John  
"did passionately and rhetorically set forth our late  
"grievances," is the only mention of him in the papers which supplied the parliamentary history, and which remain in the state paper office; yet the rhetoric and passion had not perished. Among the manuscripts at Port Eliot I found a copy with his own corrections.

\* From the MSS. at Port Eliot.

† Some idea of this debate may be gathered from the abstract in the *Parl. Hist.* vii. 361-72, from the fragments in *Rushworth* i. 499, and from the outlines of speeches in the *Ephemeris Parliamentaria* 18-30. But all are imperfect, and there are obvious interpolations which detract from their implicit authority. Rudyard's speech for instance, in the *Parl. History*, is made to refer to the Petition of Right which at this time had no existence. "What a pity it is," exclaims Mr. Brodie (*Brit. Emp.* ii. 166),



Seymour began by characterising his majesty as the greatest sufferer from the late proceedings in their disadvantage to his service. A prince was rich and strong only when he had wise counsel, and those had ever been the most weak and necessitous who exacted most from their subjects. He spoke bitterly of the texts to which the pulpits had been tuned; laughed at the doctrine that all they had was the king's; asked what need to give if his majesty might take what he would; and declared that man to be no good subject, but a slave, who would let his goods be taken against his will, and his liberty taken against the laws.

That note was seized by Philips and carried to its noblest strain. Were they indeed slaves, and had they there but a day of liberty of speech before returning to their servitude? Was that meeting but as the solemn feast given by the old Romans to their bondsmen, and, after freedom given them for the hour to ease their afflicted minds, were they to put on their chains again? "O improvident ancestors! O unwise forefathers! to be so curious in providing for the possession of our laws and for the liberties of parliament, and to neglect our persons and bodies! The grievances suffered heretofore were nothing to this. I can live, although another who has no right be put to live with me;\* nay, I can live, although I pay excises and impositions more even than I do. But to have my liberty, which is the soul of my life, taken from me by power; and to have my body pent up in a gaol, without remedy by law; *and to be so adjudged!* If this be law, why do we talk of liberty? Why do we trouble ourselves to dispute about franchises, property of goods, and the like?

"that no copy has been preserved of Sir John Eliot's speech! He appears to have been the most eloquent man of his time, and on this subject, we are told, set forth passionately and rhetorically the grievances." The speech, happily found by me among Eliot's papers, will shortly be placed before the reader.

\* He refers to billeting.

“What may a man call his own, if not the liberty of his person? I am weary of treading these ways!”

Undaunted nevertheless, and confiding still in his ancient precedents, the great ex-chief-justice rose after him. “I’ll begin,” said Coke, “with a noble record. It cheers me to think of it. The twenty-sixth of Edward the Third! It is worthy to be written in letters of gold. *Loans against the will of the subject are against reason and the franchises of the land.* What a word is that *franchise*! The lord may tax his villein high or low, but it is against the franchises of the land for freemen to be taxed but by their consent in parliament. *Franchise* is a French word, and in Latin it is *Libertas*. *Nullus liber homo* are the words of *Magna Charta*, and that charter hath been confirmed by sundry good kings above thirty times!” Vain against this were the pleadings of Rudyard for the good king who had broken that charter; unavailing his entreaty that they should build for him the golden bridge, and give him “that way to come off like himself” which he verily believed his majesty was longing for; unheeded his warning that it was their interest to trust the king, for that was the crisis of parliaments, and by its issue was to be determined whether parliaments would live or die. “Men and brethren,” exclaimed Sir Benjamin, too manifestly agitated himself by doubts and fears to be able to make much impression on his listeners, “what shall we do? Is there no balm in Gilead? If we persevere, the king to draw one way, the parliament another, the commonwealth must sink in the midst. Is there no remedy here? Then is it nowhere to be found but in ruin!”

Sir Thomas Wentworth answered him; not perhaps thinking, when he rose, that under the influence of the excitement around him he was to overpass the barrier of mere spleen to Buckingham, and so to state the case of the commons against the crown as to leave, against all

future favourites and against himself, eternal record of its justice. Warming into a terrible wrath as he reviewed the billetings and other outrages, he described the light of the people's eyes rent from them, companies of guests enforced worse than the ordinances of France, their wives and daughters vitiated before their faces, the crown impoverished, the shepherd smitten, the flock scattered! Was even *that* the whole? The spheres of all ancient government had been ravished. There had been imprisonment without bail or bond. There had been taken from them—what should he say? indeed what had been left to them! And they were now asked, there, to provide a remedy. He should take leave to propound one. “By one and the same thing,” Wentworth grandly closed, “have the king and the people been hurt, and by the same must they be cured. We must vindicate—What? New things? No! Our ancient, lawful, and vital liberties! We must reinforce the laws made by our ancestors. We must set such a stamp upon them, as no licentious spirit shall dare hereafter to invade them.” A characteristic ever of the highest orator is that force of imagination by which every subject taken up is wholly interpenetrated for the time, and by which all the principles and feelings belonging to it, small and great, are seized and turned to immediate use; and this was as far beyond the control of such a man as Wentworth, when once he had risen to speak, as even the force of his own passions. Yet that he felt and intended these burning words when he uttered them, who will doubt?

Eliot had the same impetuous force, but under regulation of a principle steadier and more enduring than sustained for the present his great rival in the house. “Mr. Speaker,” he began—

“I know not in what quality I may now speak, nor with what hope. May I, as a free man, use the just liberty of our ancestors to expostulate our rights; or must I, in sorrow, complain the unhappiness of the

“ times, which has left us, it might seem, unworthy to enjoy the privilege of those elders? Nor know I well, the difficulty is so great, for whom I am to speak, and whom it may concern. Is it for myself? No: that were too narrow, too particular. I should in that rather suffer, than take one minute from your greater business. Is it for that county for which I serve? No: it were too short, that too. I should submit their prejudice likewise to the more general good. Is it for all other counties general; for all us here, and those we represent? That is not all, neither, if I mistake not. That were indeed enough; but the extent is further, and of more latitude. It reaches to the ancient laws, to the ancient liberties of England. Those which have heretofore always been our defenders, always our protectors, in all necessities, in all extremities, come now under the question, in all extremity, in all necessity, themselves to be protected, to be defended. For the question is not now simply in point of money. It is not what has been collected, or what has been received. Nor is it of the manner in which those levies have been made, whether by consent, by loan, by free gift, by contribution. The question, Sir, is of the right, the ancient right, of the kingdom. The question is of the propriety of the laws: whether there be a power in them to preserve our interests, our just possessions, our lands, our goods? All those come now to be involved within this question. And this I shall make easily to appear: not by forced arguments, drawn from private fears; not by suggestions hastily received; not by report of the vulgar, who seldom speak of dangers before they see them, and see them but in sufferance; but by demonstrable reasons and grounds infallible that will show it. The law itself, the judgments of the law, shall prove it.”

The solid and massive way in which Eliot thus expressed the gravity of the public wrong, will strike every mind. He speaks not of anything he has himself undergone. There is no personal anger. No petty considerations are intruded to carry with them complaints of individual suffering. The speaker's imagination is filled with the grander thought of the indignity suffered by the Law itself, of the injury inflicted on English liberty.

“ The law designs to every man his own. The law makes the distinction between mine and thine. The divine law, the law of nature, the law of nations, the moral law, the civic law, the common law, all concur in this. Rights of all sorts must be maintained and kept. Justice must preserve them. She is the arbiter, and without her there can be no subsistence. Justice is but the distribution of the

“law; the execution that gives it life and motion. Corrupt her, stop her, the laws are rendered fruitless. That fence being down, all distinction ceases, all property. Now, Sir, what is it that is said as well by the ancient fundamental common law of England, by the declaration thereof in Magna Charta, and by the many and particular statutes \* derived from thence, in explanation and confirmation of the same? It is there said that no subject should be burdened with any benevolences, loans, tasks, prices, or such like charges; which are there likewise, to make them the more odious, entitled impositions and exactions. Yet contrary to those laws, and that common right of the subject, we see notwithstanding how they have been exacted and imposed. Does not this contradict the law, and make it fruitless? Does it not corrupt and stop justice, and all rights depending thereon? Where, then, is property? Where the distinction in which it consists? The *meum* and *tuum*, if this prevails, becomes *nec meum nec tuum*. It falls into the old chaos and confusion, the will and pleasure of the mightier powers.

“But perchance it will be said, this proves not the calamity so large, so indefinite, that it should reach to all. This is a particular only of money. It is a violation of some particular laws, and only at some particular times attempted: but not of more: so that the consequence in this cannot be so dangerous, so fearful as is pretended. Yes, I must answer, *it is of more*; more than is pretended, more than can be uttered. Upon this dispute not alone our lands and goods are engaged, but all that we call ours. Those rights, those privileges, which made our fathers free men, are in question. If they be not now the more carefully preserved, they will, I fear, render us to posterity less free, less worthy than our fathers. For this particular admits a power to antiquate the laws. It gives leave to the state, besides the parliament, to annihilate or decline any act of parliament; and that which is done in one thing, or at one time, may be done in more, or oftener: the reason of like being alike in all. *Similium similibus est ratio*, you know is an axiom ancient and true.

“What the effect and consequence then may be, is plain. If, in this, there be a power allowed to annihilate or antiquate our laws, it may be exercised in more. It is at discretion. All have the same hazards. In that, what the danger is, I will not give from mine own opinion. You shall have it from Livy, whose judgment may have the better credit. Speaking of the Lacedæmonians overcome by Philopemon, and desiring to express their miseries, he shows how their city was taken, their houses rifled, their walls broken and ruined, their territories alienated, themselves made subject and in vassalage; but yet in store there was a more evil fortune. Above all and beyond

\* Marginal note in Eliot's hand. “25 & 33 E. I; 14 & 25 E. III; 1 R. II. &c. &c.”

“ all those, says he, the extremity of what they had to suffer was this, that  
 “ their laws, the laws which Lycurgus had given them, the ancient laws  
 “ they had lived by, were declined and scorned, the reputation of their  
 “ wonted power being lost. Herein you see the prejudice of what is  
 “ now in question; and I need not further urge it. As in a glass, re-  
 “ flecting full upon us, we all of us may see it.”

An exposition of the existing danger, more simply yet comprehensively expressed, or reaching farther in the warning it conveyed, could not have been addressed to the commons. How best to meet the danger, was the question that offered itself then. By fixing the responsibility, said Eliot. His statement he at once followed up to that practical issue which was not only ever the characteristic of the man and of his speech, but the cause in an especial degree of those relentless hostilities with which the ministers, whether highest or lowest in rank, could not but regard one who struck from them always the shelter of the king's name, and repelled the dangerous doctrine, that as they had perpetrated wrong, they might claim protection from its consequences, under authority of the sovereign. It must be remembered, in reading what follows, that the commons' leaders had come to an understanding that for the present Buckingham was not to be named; and that the manifest allusion here is to his known creature, Weston, chancellor of the exchequer, and to his subordinate agents in the counties, Bagge and his associates in the “ choice and well-affected ” provincial governments.

“ But from hence having shown you the true state of the question,  
 “ and the evil it portends, in the consequences and dangers it draws with  
 “ it, I will now descend into consideration of the cause from whence  
 “ this evil comes, that we may thereby know the better which way to  
 “ meet it. And in this search I will not lead you far. For I believe it  
 “ is near, *if not amongst us*. I will only show you in what shape it  
 “ walks, and leave the rest unto your better judgments.

“ The forms, I find, are two, The first is a great projector's, who  
 “ contrived the plot, and brought it to the state to be commended to the  
 “ counties. I will not now name him. He is well known to you. The  
 “ other is the officers (I dare not call them justices) who in their several  
 “ quarters did execute, did persuade it. And of these the first is as the

“ *primum mobile*, or great orb, that gives motion to the rest. The others are as the inferior or lesser spheres, moving against themselves, *ad raptum*; but both irregular, and their revolutions having the same unnatural purpose, the dissolution, the destruction of the centre, the commonwealth, on whose poles they turn. In the one we see the efficient and original cause that disposes of the work, the *causa sine quâ non*, or *concausa*, as Plato calls it; in the other the instrumental cause by which it is wrought, the *causa instrumentalis*; the one disposing, the other effecting, this great work of danger and ruin to themselves. For though in person they may not feel it, they cannot escape it if they be worthy the blessing of posterity.

“ In these, therefore, is the whole origin of all the evil which we suffer. The proposition and the execution are there. The one presents it to the state, and gives them liking of it. The other takes it from the state again, where it was but embryo or theory, and brings it to practice and perfection. So that, without the first, the state had never thought it; and without the second, the state could not have done it.

“ For these, therefore, as for their work, I shall desire there may be a committee appointed to take them into due consideration, both for prevention of their evils and preservation of our liberties. So only may we be certain of the condition we are in; and whether, of those goods and faculties which yet we possess, we may call them in property our own. By this we may be more useful to his majesty, more serviceable for our countries; for which otherwise, whatever we attempt, our labours and our endeavors will be in vain.”

But Eliot's task was not yet done. Having in this manner dealt with the grievances directly connected with the loan, and with both classes of offenders against whom they had to claim redress, he proceeded to open up those graver wrongs, which the same pretended right to imprison the subject without assigning a cause had inflicted upon religion and upon the privileges of the house.

He should proceed, he said, so far beyond the mere question of the monies exacted for the loan as to include both points for consideration which had before been well propounded as of religion no less than of liberty, whose necessities in an equal degree required present aid and succour, and whose safeties comprehended all their happiness and hopes. And then he dwelt, in language

of extraordinary force, upon the countenancing and favouring of papists, the employment and preferment of their sectaries, the allowance and admission of their priests, the neglect and remission of the laws ; all now publicly, frequently, and confidently in practice ; making at the same time bitter allusion to what they had themselves witnessed lately in their English church, a performance of almost all the ceremonies of Rome ! On the other side he reminded them how in the same period, as much as borrowed and subordinate greatness \* might effect, the truly pious and religious had been discountenanced, their preferments hindered, their employments stopped, their ministers opposed, and, by new edicts and inquisitions, questioned and disturbed. What arguments were these, and what demonstrations did they make, but of a plot and practice for subversion of the truth ?

Wherefore was it needful they should timely take into consideration what this conjunction of dangers portended. They were not to be considered singly. They no longer consisted in terms so divided or separate that in the prejudice and danger of religion they might retain the safety and security of their liberties, or in the danger and prejudice of their liberties hope for a safety and security in religion. “ If this were so,” pursued Eliot, “ part of the fear might be extenuated, and the dangers would seem less. But it is not so. By conjunction, and mutual necessities between them, they are now so much augmented, that there cannot be a security in either without the conservation of them both. No, Sir, such are their interests and relations, such reciprocal dependencies they have, and with such hopes and advantages to each other, that, on the other side, in opposition to the danger, this ground and position we may lay : That without a change and innovation in our liberties there is no fear of an in-

\* The allusion is to the bishops, and especially to Laud.



"novation in religion: and without an innovation in  
"religion there is no fear of change or innovation in  
"our liberties."

That was Eliot's answer to the doctrines with which so many pulpits had founded in the recess, and which Laud had repeated in his sermon at St. Margaret's, that it was true religion to submit to the sovereign in all things, and peacefully to acquiesce in breaches of the law. The argument he so presented was of consummate wisdom, and of a breadth and largeness unexampled in any of the speeches of the other leaders of the house. Each saw clearly, after his fashion, some part of the ground they occupied, and could sound it with more or less accuracy to its depth; but Eliot had taken in the whole field of vision, and saw beyond it to the end. As in a horoscope may be read in this noble speech the entire of this unhappy reign. With that instinctive and unerring sagacity which in poet and prophet takes the form men think to be inspired, Eliot had read off the destiny of the country and its king if the conspiracy against freedom lately organised between state and church should madly be persisted in. He had shown that the attack upon liberty was in effect a design against the laws; and that the laws were the sole protection of the people against spiritual as well as temporal tyranny. Further he had shown, that while on the one hand all the rigours of church and state were dealt out against men who upheld the true religion, on the other all their favours were bestowed on the friends and partisans of Rome. This could have but one issue. He was himself no Puritan, but he knew the temper of the people; and though the peril of which he proceeded to warn the sovereign is drawn from the disaffection incident to popery, it is not difficult to read underneath it what was not the less included in the warning. To suspend the laws in favor of a religion known to be opposed to freedom, was to encourage disloyalty; and to persecute against the laws

the belief identified with freedom, was to unloose from their allegiance the loyal. Would his majesty be warned in time? There was no place for England but with the free, and no sovereignty for her king but over freemen. His power would rise by extension of her liberties, and could fall only by their overthrow. Such in substance was the argument of Eliot, clothed in language worthy of the place and of the time.

“ Sir, I speak with submission always to the divine power and providence, whose secrets none can penetrate! But in probability I say, from the arguments and deductions of reason—and I hope to show it clearly—that an innovation in our policy cannot be introduced but by an adverse strength and party in religion; nor can religion have that wound to meet so strongly a party of her enemies, while the ancient policy is maintained, and our laws and liberties are in force.

“ The reason of the former, nature itself presents to us; and we shall not need more evidence than that. No man is naturally an enemy to himself. Those that are born in liberty do all desire to live so. But the ancient liberties of this kingdom—what comparison may they have? The freedom of the nation, the felicities it has had in the glory and honor of the prince and in the quiet and tranquillity of the people, the general and common happiness which so long we have enjoyed under our old laws—who could be drawn to leave them! What ignorance would desert them, to submit to the fears and uncertainties of a change? None! I may boldly say there are none of a sound heart or judgment, nay even of those that will be guided but by sense. None! but some rotten members, men of seduced and captive understandings, who to the quails and manna sent from heaven prefer the flesh-pots and garlic of the Egyptians. None! but that false party in religion which to their Romish idol will sacrifice all other interests and respects. None! but such as have swallowed down that loathsome leaven of the jesuits. None can be possessed with this ignorance or stupidity, so to forget their prince, so to forget their country, so to forget themselves! And, Sir, without such a false party of ourselves, such an intestine faction within us, no foreign power can do us prejudice. Besides the strength and valour of our nation in that defence, we have nature and God to aid us. The frame and constitution of this state therein answereth to the ground and centre that it stands on—the earth—which a little wind within it makes to tremble, but no outward storm or violence can move.

“ So, Sir, as I said, let us clearly understand the danger we are in, and that it proceeds from the habit of disregarding and violating laws; that it is our laws which regulate liberty, and the safety of our liberties

" which secures religion. The reason is apparent in their very force  
" and letter. Apply to religion what has been propounded as to monies  
" exacted for the loan. We possess laws providing first in general  
" against all forms of innovation, and also careful in particular to prevent  
" the practice of our enemies, by exclusion of their instruments, by re-  
" straining of their profelytes, by restricting their ceremonies, by abolish-  
" ing their forceries. Sir, while those laws continue, while they retain  
" their power and operation, it is impossible but that we should in this  
" point be safe. Without that change also in our policy by which law  
" is set at nought, there could not be an innovation in religion. If this  
" truth were not perspicuous we have examples to confirm it, wherein  
" your own experiences can help me; if you consult your memories  
" but for the story of these times for a few years past. Since first we  
" entered into those unhappy treaties with the Spaniard,\* that uni-  
" versal patron of the Roman-catholics—since we have used a remission  
" of the laws, a lessening and extenuation of their rigour, since their  
" sharpness, their severity has declined, and their life and execution  
" has been measured by the gentle Lesbian rule—how have our enemies  
" prevailed! How infinitely have they multiplied! What an increase  
" of popery has there been, and what boldness, what confidence it  
" hath gotten! The consideration of it strikes such a terror to my  
" heart, that methinks I have an apprehension at this instant that while  
" we are here in mere deliberation, consulting of the laws whereby we  
" might repress them, *they* are in act, hourly gaining strength, and  
" labouring with their instruments for the more complete undermining  
" of those laws of which we here consult, and in which our safety lies.  
" I implore you, then, to take the warning which is offered. We  
" have to guard religion against what has befallen liberty. Shall I  
" repeat the invasions made upon that sacred relic of our ancestors!  
" the attempts upon our property, the attempts upon our persons! our  
" monies taken, our merchandizes seized! loans, benevolences, con-  
" tributions, impositions, levied or exacted! our bodies harried and  
" imprisoned, and the power and execution of the laws that should  
" protect us vilified and contemned! Nay, but that such actions could  
" not pass without the knowledge of his majesty, in whose intention  
" lives nothing but truth and goodness, and whose virtue, I am confident,  
" has not been consenting in any point as to a willing violation of  
" right, but only as otherwise it might be represented and informed—  
" but that such actions, I say, could not pass without the knowledge of  
" his majesty, whose justice is a sanctuary to all his loyal subjects, I am  
" doubtful the attempt had gone yet farther, had ascended to a higher

\* I have found among Eliot's papers remarkable evidence of his interest in these treaties. They comprise, among others, " a jorall of the treatie of peace w<sup>th</sup> Spaine," in ninety closely-written folio pages; " letters concerning the Spanish affairs," in one hundred and forty-nine folio pages; and " a discourse of the state of Spain," in thirty-six folio pages—all transcribed carefully in his own hand.

“point of enterprize, and we had hardly kept the security of our  
“lives.

“Has it indeed, in its effects, stopped short of the worst and last outrage? Sir, there is that which is more than our lives, more than the  
“lives and liberties of thousands, more than all our goods, more than all  
“our interests and faculties,—the life, the liberty of the parliament, the  
“privileges and immunities of this house, which are the bases and support of all the rest. Have they passed unassailed? Shall I repeat  
“what was done in our last sitting? Do you need to be reminded  
“what prejudice our house then suffered? How has it been attempted,  
“how violently, how impetuously assailed! You cannot but remember it. You cannot but observe that it yet shakes with the  
“shock it has endured.

“What, then, do those things infer? What construction do they  
“make? Are they not plain arguments of the condition we are in?  
“Do they not, by induction, conclude reasons of fear and jealousy? I  
“presume in a truth so evident and clear no contradiction can be made,  
“but all men’s hearts confess it. And will they not confess yet more?

“Sir, the termination of our dangers does not even rest in this—no,  
“not even in this double danger of religion and our liberties. Though  
“in that it be indeed too much (and from it I beseech that God may  
“deliver us), it yet goes farther still, and takes in a third concomitant.  
“Sir, that is the danger of the king, the danger of the state. As in the  
“others there is a mutual involution, so, in them, this likewise is so involved, that there cannot be a prejudice to either but this also must  
“participate. For, as a defection in our laws prepares the way, and  
“opens to a defection in religion, so a defection in religion would soon,  
“in the partizans thereof, induce a defection of their loyalties. The  
“very object of their faith, the ruling principle of their motions, is obedience to the papacy, and submission to the doctrines of the jesuits.  
“Sir, their own authorities confess it, that both these lead directly to  
“advancement of the greatness of the Spaniard. They would erect  
“that temporal monarchy to the pretended latitude and extension  
“which they assume for their spiritual monarchy; and they seek to make it  
“answerable to the title they have falsely given it, catholic and universal.  
“Who will doubt, then, that to the danger of religion and our liberties  
“is to be added, from the same reasons and necessities, danger likewise  
“and disaster to the state?

“From here then, Mr. Speaker, you may see the truth of that suggestion so often framed against us, that in our labours and agitations  
“of these points, in the instances and resistances we have made for  
“religion and liberty, we have studied only an opposition to the king,  
“and only sought to put scandal on the government. Here, too, you  
“may discern the truth of that assertion which to such extent prevails  
“against us, that the liberties of the kingdom are a diminution to reality. Sir, the very contraries are evident. Over the safety of the  
“king the liberties of the kingdom have the largest power and in-

“fluence. Nor can there be a more advantage to the sovereign, or  
“honour to the government, than the care and agitation of these points.  
“Nay further, this inference I will add for a note and character of  
“their opposites, that he who is not affectionate to them, that he who  
“is not a friend both to our religion and our liberties, whatever out-  
“ward shows or pretences may be used, is secretly and in heart no  
“friend to the king and the state; and when occasion is, will be ready  
“to declare himself an enemy!

“Sir, this triple consideration of the state, of religion, of our liberties,  
“has now called me up—the strict conjuncture that is between them  
“and the necessities they are in. The importance of this point to have  
“them rightly apprehended; the light it will diffuse, which may have  
“some reflection on his majesty; the prevention it may give to the  
“detractions of our enemies; and the difficulties it may remove from  
“the course of our proceedings, so that those false pretensions shall not  
“disturb us for order and precedence wherein I fear we have had no  
“small prejudice heretofore—these considerations, I say, have been my  
“occasion at this time. Such as it is, my endeavour flows from the  
“intention of my duty; my duty to your service, my duty to my  
“country, my duty to my sovereign, my duty unto God. In this I  
“cannot be mistaken. In a cause of this necessity, that general obliga-  
“tion binds us all.

“And therefore I shall conclude with this further desire. In respect  
“of the great importance of the work; there being such dangers  
“apparent as to our liberties and religion, and these trenching by  
“reflection on the state, with which their conjuncture and dependence  
“are such that the same perils and necessities are common to them all;  
“I shall desire, I say, that on those two principles we may pitch. That  
“they may be the subject of our treaties; that they may be severally  
“referred to our committees; that herein our cares may be equally  
“divided, without any prejudicial affectation of either; and that, by a  
“firm and settled order of the house, nothing may retard or interrupt  
“us; but in a constant and strict course we may keep our intentions on  
“these points, till they are well and finally established.”\*

The king's secretary, Cooke, spoke last in the debate. He should not, he said, attempt to answer what had been spoken. Religion was matter of gravest import, and he might promise them that his majesty would give redress in that particular. He could not deny that illegal courses had been taken, but there were periods

\* From the MSS. at Port Eliot. The latter portion is in a detached paper, and in such condition as to be nearly illegible. I believe the transcript here given, however, and made with much pains and labour, to be as nearly as possible correct.

of necessity which had no law. He saw that the wish was they should begin with grievances, and he should not resist their preparing them; but if they offered them before supply, it would seem as though making conditions with his majesty: an ill dealing with a wise king, jealous of his honour. He hoped the house would consider it. He hoped they would resolve to begin with the sovereign and not with themselves. All the subsidies they could give would not advantage him so much as that they had agreed cheerfully to supply him. The house rose without further speech.\*

At their next sitting, Monday the 24th of March, before the chimes of St. Margaret's sounded the second quarter after eight, Mr. Secretary presented himself, in accordance with his previous notice, to move a resolution as to supply. After that terrible debate of Saturday, it was idle to expect that supply and grievance should not go together hand in hand; but with increased urgency of entreaty Sir John Cooke now implored that the king might have the precedency of honour if not of time. Only let them, if they would, propound first the heads of his supply. That would be an honour to his majesty, and would do service to the house. The king himself had suggested it, and surely his command was not there to be slighted. If the laws were their birthright, they would thereby recover them and their splendour; for he would agree to all other requests that were fit for a king to give. It would have a good aspect abroad, too. And it would be an obligation that his majesty was not likely to forget. And so Sir John moved the immediate consideration of supply.

The only existing report of what followed is comprised in a few lines, but they are decisive of the impression left by the speeches of Saturday. The Law must be vindicated, it was said. From that "glorious

\* See *Rusworth*, i. 506. The *Journals* contain no mention of what passed.

“ fundamental right ” was derived the only power they had to give at all. Let his majesty but see that right restored, which next to God they all desired, and then, they doubted not, they should give what supply they could. From this the secretary could not move them. He shifted his ground so far as to suggest that the same committee might handle both grievance and supply, but the house rose without resolving anything.

The next morning Cooke went down with a verbal message from the king. Finding time to be precious, his majesty expected they should begin without farther delay. He esteemed the affairs of the house as his own ; and if the same committee would take their grievance and his supply into consideration, he should not stand on precedence. He had already favourably entertained their petition for religion, and the lord-keeper would give both houses assurance of his determination to enforce the law against recusants, and to discourage popish practice. Let their other grievances have the forenoon, and supply the afternoon, it was all one to his majesty ; but they must be prompt.

The course taken upon this message deserves special note. With all the forms of respect for royalty, there was yet the quiet and composed resolution not to abandon any portion of the ground they had taken up. They made a show of compliance with the secretary's suggestion only to demonstrate how vain was the hope on which it rested. They ordered both subjects to be referred to a committee, but it was a committee of the whole house ; they moved into the chair Mr. Littleton, than whom none of their distinguished lawyers had been more active in resentment of the recent breaches of law ; and they directed that the subjects of consideration should be, first, the liberty of the subject in his person and goods, and, next, his majesty's supply. The debate upon the former subject at once began, occupying the rest of the sitting ; and at its close the secretary's propositions for

supply were ordered to be read and debated on Wednesday the second of April.

There is nothing to guide us to what had passed between Sir John Cooke's delivery of the king's message and the order thus made thereon, excepting a speech of Eliot's preserved among his papers with indorsement that it had been spoken this day. But it seems to embody clearly the reasons for the course taken, and is otherwise remarkable in some points for a difference of tone from the speech which he delivered with the same object at the opening of the previous parliament. Laying down, then, the principle that the consideration of grievance should have precedence of supply, he yet sanctioned, though he had not proposed, that the sum to be given should be named in their first vote, only reserving its formal grant until after the redress of grievance. But his experience since had shown this course to be inconvenient in the opportunity it offered for disputes. That which was only designed for an overture, having been assumed and accepted as a grant, had given occasion for suspicion and ill-will. He strongly urged them now, therefore, so far to revert to ancient ways as to defer altogether the consideration of supply until they had shaped in some degree the measures whereby they proposed to vindicate the outraged liberties. Here is the speech, as I have recovered it from a manuscript only less illegible than that which I lately gave.

" Sir, Our English nation has a great fame for which we rest  
 " indebted to our fathers. Nothing has been more fortunate to us than  
 " their examples, when we have observed them; nothing more unhappy  
 " than our own ways, when we have wandered in those paths that  
 " were not trodden to us. I could demonstrate this, if I might use  
 " digression, by many things either of peace or war: but the matter now  
 " in hand sufficiently will prove it. What difficulties we have met, what  
 " prejudice we have had beyond the fortunes of all former times, since  
 " we have declined their rules! How short we come of the happiness  
 " of their labours, even in this place! And how we have found a way,  
 " almost a beaten way, to make these meetings fruitless!

" Their manner was in their assemblies, as their records inform us,



"first to consult of publick business, to prepare good laws, to represent their grievances, to despatch those things that concerned the country, to make known their state. Then, when they found how they were enabled, how they were relieved; when no oppressions feared \* them; when justice was equal, the laws open to all, commerce at liberty, all trade free; *then*, THEN they did think of money; THEN they did treat of giving, and were not wanting in such sums as fitted with those times, serving the occasions of the state, and honor of their sovereign. This course, as it maintained the dignity of their gifts to have them so expected; and often, before the sums were known, gave them a reputation, especially with strangers, beyond their proper values; so it secured their proceedings in the rest free from interruption, and both gained the benefit of time, and that advantage which the hope of money always has afforded.

"How this practice has been declined by us is manifest in the effects that have followed that decline. Witness decimo octavo, witness vicefimo primo, of King James! Witness the first of our sovereign that now is! Witness the last! In all which, as now, we were importuned to be precipitate. Dangers were objected, necessities were alleged; and did they, when permitted to prevail, induce anything in consequence but against ourselves? Examine them particularly. Take that in the 18th of James, the first precedent of such haste, when two subsidies were granted; † granted in the beginning of a parliament, granted without a session (a grant never known before), granted upon promise not to be urged again, or used as an example. Yet did it not prepare the way for the next meeting? Was it not repeated there? And what, in the continuance of the same, rendered it to the subject, after that turn was served? Nothing but distastes, checks to their proceedings, rejections to their suits, questions to their privileges, punishments threatened to their members, and those as well the house still sitting as when it was dissolved. All which in part not long after was performed, and the rest has been acted since: things as new to the old times as were such hasty grants, and truly the fitter to attend them! Take next the 21st of the reign, the copy of that good pattern, when three subsidies and fifteens were given, ‡ which bounty we had hope would have served long—did it not still endear the manner, and as hastily draw on the demand in the next year, in the next parliament? § And then, when we had as willingly consented, and presumed to have satisfied, did it not beget

\* Daunted them—is the meaning. See *ante*, i. 263.

† See *ante*, i. 92-111. In the brief sketch there given of the opening session of that great parliament, allusion is made to "the subsidies" they granted, but I ought expressly to have mentioned that one of their first acts on assembling was to vote two. Upon the unsatisfactory employment of them in the recess, and the demand for more in the second session without guarantees for their better use, all the subsequent disagreements turned.

‡ *Ante*, i. 154.

§ *Ante*, i. 291.

“again a new request, unexpectedly, unseasonably, in the same sitting, and from thence follow us, or rather draw us, unto Oxford? \* Having dissolved us there and many ways dispersed us, when we were called again in the next parliament was it forgotten then? Was it not again brought forward? Supply, you know, was the main thing proposed, and that so strictly as if nothing else were necessary. For that we were presently put upon disputes; we were pressed to resolutions, which, however large and honourable beyond proportion of all former times we had accorded, being yet secretly adulterated and traduced, rendered us suspected and distasteful to his majesty and by that exposed us to all the miseries and calamities which we have suffered since.†

“Come we yet nearer. We have now the like demand, the like request, in the like time, like reasons to induce it, and like necessities pretended. What shall we now do? Shall we do less than formerly we have done? That will be called a shortening of affections to his majesty, a neglect of his affairs, a neglect of the common good, nay, I doubt not but from these late practices it will be urged as a *breach of precedent too!* And shall we in all these make ourselves obnoxious? Yes; to those that so conceive it, to those that so apply it. But to the truly wise, the judicious, the understanding man, the man of rectified and clear sense, it will be otherwise. To him it shall appear increase of our affections to our sovereign, tender of his affairs, care of common good, and reformation of those ill examples lately introduced. For, as we have seen that of all those hasty givings the effects to us were miserable and unhappy; so to the king and state, from the same precedents, if they be well considered, you shall likewise find them fruitless and unprofitable.

“For, first, that in the 18th year, given, as you may remember, to a good and so desired an end, the defence of the Palatinate (Oh, would it *had* been well defended!), what wrought the supply? What conclusions did it bring to the work intended? What advantage gave it to the cause? None—that I can call to mind. The success says none. And from thence with reason we may better think those monies interverted than any way employed to so good a use. Sure I am (and with grief I speak it!) the Palatinate is lost; and, as same reports it, for want of succours from us. So with the next in that reign, when a larger contribution was made, the largest that ever was before, the ends set down for which it was appointed, and provisions made as to how to be disposed, what came of that? Did it effect anything worthy of honor of the king, or state? Surely, no! Nothing that was visible. Nor do I think the monies even issued for the end proposed. They were drawn some other way, for which, when it was required last parliament, they could not be accounted.‡ By the next, the first of our

\* *Ante*, i. 301-4.† *Ante*, i. 514, &c.‡ See *ante*, i. 484-5, and 497.

“sovereign that now is, has the state had any increase or profit that it still retains? The consequence said otherwise. It showed the necessity made larger rather than any way retrenched. That was apparent in the unheard of projects that not long after were pursued —infallible arguments of extreme necessity!\* I might likewise instance the last; of which no man can be ignorant, it is so new. What advantage it has wrought, every man may judge. And that the necessity continues this demand does prove, notwithstanding all those aids which so speedily have been gotten.

“These things, as my weak memory and the time would give me leave, I have suddenly observed, as to our new ways, our new manner of promising, of granting subsidies in the beginning of a sitting, whereof we again deliberate to-day. I have shown you in the whole practice how disadvantageable they have been to us. I have given you, from the particulars, part of the prejudices we have had. I have likewise shown you, towards the king, how little profit they conferred; how little his estate, how little his affairs, are better by them. Let me add this, too—what riots, what excesses, what insolences, what evils, it may be feared they have caused in other men—and then consider whether it is now fit we should do the like again.

“We have ever loved our princes, and shall always do so. We have been still willing to supply them. We are ready now. But for the manner, let it be according to the customs of our fathers, and in the old forms, with which we were so happy. And for the quantity, let it not be doubted, but as our love exceeds, that shall hold proportion. For the reputation and credit, so many ways idolatrized, let this suffice: nothing so much confirms it, nothing so much augments it, as an agreement here. The correspondence with the parliament; the confidence, the assurance in his people; will more magnify the king than all the treasures of the whole kingdom drawn into his coffers. That invaluable jewel of the subjects’ hearts is above all account. So Alexander esteemed it.

“I desire, therefore, before you admit, or further enter into this new proposition, that these things may be urged. Remember, I say once more, remember that in the last parliament the overtures here made were after moved as grants. Remember the issue that was then discovered of all those hasty gettings. Remember the power we then complained of, built upon that foundation. Remember the many ways we suffered by it, and the fear still on us. For that, remember likewise what Hannibal said of the Romans, that *nisi suis viribus vinci non posse*. Let us not make our ruin an advantage for those that would destroy us. Let us secure ourselves, let us secure the state, let us secure the honour and support of the king, from those intestine foes that have so much impaired them.

“The proposition, therefore, I desire may here for the present rest;

\* *Ante*, i. 448 and 460.

"and, that our supply may be the better when it comes, my motion shall be that we may now go on in matters to enable us."\*

The matter "to enable" them was determination of the form or mode of redress. But, reserving this all-important subject for another section, the sequel of the proposition for supply remains to be told. On the second of April the secretary's propositions were the subject of a striking debate. They were in number fourteen, and expressed the particular charges for which supply was required. They comprised, among others, the new expedition for relief of Rochelle; additional supplies for foreign service; the repair of forts; the guarding the seas; and payments of victualling, seamen's wages, and other arrears.† This necessarily led to sharp comment on the mismanagement and failure of the recent maritime expeditions. The secretary's hope had been, that by taking a vote under each head, a larger sum in the whole would be obtained; but he was promptly undeceived. Even Mansel, speaking with his responsibility as vice-admiral of England, declared that seven of the propositions were premature; and such, as the speakers who followed him successively pointed out, had been the notorious waste already under the several heads named, that the course suggested by Mr. Secretary, if now affirmed, might draw the house into a seeming complicity with that reckless extravagance. An amount equal to five subsidies, said Pym, had been within a certain time available for repair of forts and supply of stores; yet not one penny had been bestowed on them, but the money wasted in dishonour. From a fixed source, said Sir Edward Coke, his majesty derived fourscore thousand pounds a-year to scour the narrow seas, and were they now to give more to guard them? "It shall

\* From the MSS. at Port Eliot.

† There is a memorandum among the MSS. S. P. O. under date of the 24th March, in which the council advise his majesty that in bringing supply before the house, all the necessary charges should be set down particularly, "but no estimate of the sums the things will require."

"never be said," he continued, "we deny supply. Let us give bountifully and speedily, but enter not into particulars." Stronger reasons were stated by Eliot. Were the house prepared, he asked, by coming to any special vote in furtherance of a new military or naval expedition, to take upon themselves responsibility for it? Let them consider the grand undertakings of Cadiz and Rhé! At Cadiz the men arrived and found a conquest ready; the Spanish ships were waiting to be taken; he had never heard from officers employed but that their capture was feasible and easy; and why came it to nothing? Nay, after loss of that opportunity, and the whole army was landed, why was nothing done? Why were they landed, if nothing was intended; why shipped again, if the thing was to do? So in the affair of Rhé, was not the whole action carried against the judgment of the best commanders? Not to mention the leaving of the salt-mines! not to touch that wonder which Cæsar never knew, the enriching of the enemy by courtesies! \* "Consider," said Eliot, as he closed these bitter hints in which suppression of the name of Buckingham must have cost some effort, "consider what a case we are now in, if, on the like occasion or with the like instruments, we shall again adventure another expedition. It was ever the wisdom of our ancestors here, to leave foreign wars wholly to the state, and not to meddle with them. There may be some necessity for a war offensive, but, looking on our late disasters, I tremble to think of sending more abroad." Mr. Alford, Sir Nathaniel Rich, Sir Robert Philips, Mr. Kyrton, Sir Peter Heyman, Serjeant Hoskyns, and Sir Dudley Digges, took the same view; making sarcastic allusion to the arrears of victualling expenses, and to the character of the men entrusted with them. Sir Francis Seymour spoke more openly; and the agreement for not naming

\* Fuller's *Ephemeris*, 139; *Rusworth*, i. 520. For illustration of these remarks by Eliot see *ante*, i. 456-7; ii. 69-81.

the duke or his instruments did not restrain him from an allusion which doubtless was heard by Eliot with a smile. It mattered not, he said, what the subjects gave, unless his majesty employed men of greater integrity to disburse it. All that in this respect had been lately given, *had been cast into a bottomless Bag*.\* The want of supply, indeed, was not his majesty's greatest grievance. A yet greater was that he should be brought into these necessities. Not reckoning the subsidies granted in the last two years by parliament, not taking into account the privy seals, there had been taken from the subject by means of the late loan, forcibly and without law, the amount of above five subsidies; and what by all this had they purchased to themselves, but the drawing down on them of two powerful nations as enemies, and their own dishonour? Sir Thomas Wentworth followed, with not less bitterness. He could not, he said, forget the duty he owed to his country; and unless they were secured in their ancient rights they could not give. Were they come to an end for their country's liberties? Had they secured themselves for time future? If not, he would decline those propositions, and require to be satisfied from the state of the country whether it were fit to give at all. Not, he added, that he so spoke to make diversion, but to the end that, giving, they might give cheerfully.† The result of the debate was to bring round general assent to the course first suggested by Eliot. They would proceed further in "matters to enable them" before they came to a vote.

That was on the evening of the second of April. Next day Mr. Secretary attended his majesty after dinner; informed him of the further delay; and stated

\* The exact expression, as the reader will remember (*ante*, i. 205), by which Laud, some seven years later, characterized Sir James Bagg; in remarking on the very embezzlements now hinted at by Seymour, and which Bagg's old associate, Lord Mohun, had then charged him with having committed in victualling the king's ships.

† Fuller in his *Ephemeris* (139) has a brief report of this speech.

as its reason the resolve of the house to join together the business of his majesty and the liberties of the country. "For God's sake!" he exclaimed impatiently, "why should any hinder them of their liberties! If such a thing were done I should think it faithless dealing with me." This was reported by Cooke on the following day in proof of his majesty's good faith. The secretary omitted to observe that it was also proof of his majesty's inability to recognise any invasion of liberty in the late proceedings. And that was the very circumstance which rendered unavoidable the delay objected to. It had become necessary to inform his majesty of what the country's liberties really were, and to obtain some better security than his word for their future more strict observance.

On the morning of Thursday the third of April, Littleton reported to the house four resolutions on the liberty of the subject, and his right to exemption from all taxation not authorised by parliament; which were adopted without a dissentient voice and sent up to the lords. The way was now clear; and another royal message having that morning been delivered by Cooke to the effect that the king had noticed what was in agitation among them, and, relying upon their readiness to supply his great occasions, was prepared to give them assurance of their liberties, whether they should think fit to secure themselves therein by way of bill or otherwise, the subject of supply was debated once more, and without further opposition from any one, a vote passed for a grant of five subsidies. It was in the form of a resolution simply. It was unaccompanied by any mention of when the collection was to be made, or the bill introduced. The house had immovably resolved that both were to depend on the good faith of the king.

To any such check or condition, however, the king and his council affected total ignorance. Two days after the vote the secretary was sent down with a message

of as eager thankfulness as though the money were only waiting to be taken up. True, the sum was inferior to the royal wants, but it was yet the greatest gift ever given in parliament; and such had been its effect upon his majesty that all his distaste for parliaments was gone, and now he loved them, and should rejoice to meet often with his people. Nor was that all. The secretary proceeded to couple the thanks of Buckingham with the thanks of the king.\* So inordinate was the favourite's presumption, and so blind his master's infatuation, that any form assumed by either fails to excite surprise; but it seems incredible that a man holding the rank of privy counsellor, even if capable of the criminal servility, should have committed the unspeakable folly of repeating such impertinence to the house. The general indignation expressed itself through Eliot. "Which being done," writes Mr. Pory to Mr. Mede,† "Sir John Eliot leapt up, and taxed Mr. Secretary for intermingling a subject's speech with the king's message." In what they had there done, Sir John proceeded to say, "they had no respect to any but his majesty alone; nor intended to give any man content but him only, nor regarded any man's acceptance but his. It could not become any subject to bear himself in such a fashion, as

\* The occasion taken by Buckingham was on report of the subsidies' vote to the council; when he offered suit to his majesty now to make the house of commons his favourite instead of himself. Apart from the extravagant presumption, the impropriety consisted in thus arrogating to himself, as the successful result of that suit on behalf of the commons, all the grace which might otherwise have belonged to the message of the king. Eliot put this point forcibly. It may be worth adding from the same speech the duke's reference to what he had suffered from the attacks of Eliot and the other leaders. "I must confess I have lived long in pain. Sleep hath given me no rest; favour and fortunes no content; such have been my secret sorrows. . . . But I hope it shall now appear they were some mistaken minds that would have made me the evil spirit," &c. &c. In a letter dated the 6th, Netherfole sends the duke's "ill-advised" speech to the king's sister, remarking that in the opinion of wise men danger was not past, but only beginning. MS. S.P.O.

† The letter is among the Birch transcripts; and in the reprint in the *Court of Charles the First* (i. 340) the lively picture of Eliot leaping up to reply to the secretary is lost in the misprint of "stept" for "leapt."



“ if no grace ought to descend from the king to the people, nor any loyalty ascend from the people to the king, but through him only. In that house they knew of no other distinction but of king and subjects, and therefore accounted of ‘ the great man ’ no otherwise than as one of themselves, who, together with them, was to advise of means to give his majesty contentment in provision for the good of the kingdom. Whereunto,” adds the letter-writer, “ many of the house made an acclamation, *Well spoken, Sir John Eliot !* ”\*

The more detailed report of this speech preserved by Fuller† will be fitly inserted here. It is a good specimen of Eliot’s manner. The closeness with which the subject is pursued, the composure adding bitterness to the sarcasm, and the dignified expression giving strength to the rebuke, are all characteristic of him. With the message from the king, it should be remarked, Cooke had handed in the answer to the petition for religion. ‡

“ Sir, I presume we have all received great satisfaction from his majesty, as at other times, so now in his gracious answer and resolution for the business of this house; his answer to our petition for religion so particularly made; his resolution in that other consideration

\* I have here given the substance of two letters from the Birch transcripts, Pory to Mede and Mede to Stuteville, dated the 10th and 12th of April, 1628; both printed in the *Court of Charles the First*, i. 338 and 340. Nethersole writes also in the same tone to the queen of Bohemia, saying that Eliot made “ handsome ” use of the occasion afforded; and further, that he renewed his attack when the speeches of the king and the duke appeared together in a printed form. It is evident that Eliot had carried with him in this matter the sympathy of more than his own party. MSS. S. P. O. 14th April, 1628.

† *Ephemeris Parliamentaria* (1654) p. 43-4. See also *Rushworth*, i. 526-7; and *Parl. Hist.* vii. 433.

‡ Nethersole, writing to the king’s sister on Easter-monday, has a passage upon this “ answer ” which is very significant. “ It hath been observed in our town that this answer, although a very good one, yet is not so full as that which was heretofore given at Oxford; and that we have been little the better for that gracious answer, there having nothing else followed thereupon. There is therefore a committee appointed to consider in what this answer cometh short of that, and to advise of penning some law for the execution of what is granted us in the future.” MS. S.P.O. Eliot had exactly predicted this. See *ante* i. 394-

“ concerning the point, *already settled here*, in declaration of our liberties ;  
 “ and for the parliament in general, that he hath taken so good a liking  
 “ to our manner of proceeding as it hath gained his promise therein to  
 “ meet us often : whereby I am confident, as of his grace to us so of our  
 “ loyalties, that to thus good a beginning we shall add as happy a conclu-  
 “ sion, shall increase that liking and good opinion in his majesty, and shall  
 “ from henceforth make him more and more in love with parliaments.

“ As thus in general, so in my own particular, I receive herein satis-  
 “ faction so great that I have not words enough sufficiently to utter it.  
 “ And yet, I confess, this extremity of joy is not without trouble which  
 “ must likewise be declared ; for without disburdening that affection I  
 “ cannot otherwise, so lively and so faithfully as I had resolved, express  
 “ my devotion to the service of this house.

“ I know not by what fatality or infortunity it has crept in ; but  
 “ I observe, in the clofe of Mr. Secretary’s relation, mention made of  
 “ another in addition to his majesty ; and that which hath been formerly  
 “ a matter of complaint, I find here still—a mixture with his majesty,  
 “ not only in his business, but in name. Is it that any man conceives  
 “ the mention of others, of what quality soever, can add encouragement  
 “ or affection to us in our duties and loyalties towards the king, or give  
 “ them greater latitude or extent than naturally they have ? Or is it  
 “ supposed that the power or interest of any man can add more readi-  
 “ ness to his majesty, in his gracious inclination towards us, than his own  
 “ goodness gives him ? I cannot believe it ! And as the sweetness and  
 “ piety of his majesty, which we have in admiration, makes me con-  
 “ fident in this, so the expression of our duty, perspicuous and clear as  
 “ already it hath been given, is my assurance for the other.

“ Sir, I am sorry there is occasion that these things should be argued ;  
 “ that this mixture, formerly condemned, should appear again. I  
 “ beseech you, Sir, let it not be hereafter ! Let no man take the  
 “ boldness to introduce it within these walls ! For my own part I  
 “ shall readily commend, nay, thank that man whose endeavours are  
 “ applied to such offices as may be advantageable for the public ; but  
 “ for *this* manner, so contrary to the customs of our fathers and to the  
 “ honour of our times, as without scandal I cannot apprehend so I  
 “ cannot without exception pass it. I desire, therefore, that such in-  
 “ terposition may be let alone. In the name of us all I hope that all  
 “ his majesty’s regards and goodnesses towards this house may spring  
 “ alone from his confidence of our loyalty and our affections.

“ Now, Sir, let us proceed to those services that concern him ; and  
 “ which, I doubt not, in the end will render us so real to him, that we  
 “ shall need no other help to endear us to his favour.”

The services that awaited them, and in Eliot’s judg-  
 ment so concerned the sovereign as to need no other  
 help to endear them to his favour, were the re-establish-

ment of the public liberties. But to tell from the beginning that great story we have now to go back a few days, and observe what has been passing at Littleton's committee since the morning they began their sittings.

## II. RESOLUTIONS FOR LIBERTY OF THE SUBJECT.

THE charges referred to Littleton's committee comprised six several heads of violation of the liberty of the subject in his person. These were, attendance at the council board; imprisonment; confinement\*; designation for foreign employment; martial law; and undue proceedings in matter of judicature.

Under the latter head arose the recent decision of the judges, and also a grave question as to the conduct of Heath, the attorney-general. Immediately after Hyde's delivery of the opinion of the court, Heath had insisted upon his right to have it drawn up and entered upon the record as a judgment decisive of the general question. To this the judges had objected; at the instance apparently of Whitelocke, who had ever the salutary dread of a parliament, and who took upon himself to say afterwards to the lords that the five gentlemen had not been refused their bail as a final decision, but only as a remission till the court had better advised of the matter; and that they might have had a new writ of habeas the next day.† Heath pressed his own view, nevertheless, and it was but a very few days before the meeting of parliament that he consented to

\* The distinction between imprisonment and confinement was put by Selden (*Rushworth*, i. 522): "Confinement is different from imprisonment, and it is against the law that any should be confined either to his house or elsewhere. I know not what you can call a punishment but there is some ground of it, or mention thereof, in acts of parliament, law books, or records; but for this of confinement, I find none. *Carcer domesticus* is a confinement for madmen."

† "They say," he continued, "we ought not to have denied bail . . . but I speak confidently, I did never know, upon such a return as this, a man bailed, and the king not first consulted with, in such a case as this. The commons house do not know what letters and commands we receive."

withdraw the draft judgment prepared by himself to give effect to it. Too late in one sense; for a copy of it had fallen into the hands of the leaders of the commons. Here is a judgment, said Philips, as he produced it to the house, made by men who desire to strike us all from our liberties.\* A judgment that will indeed sting us to death, said Coke, expressing it in choice law latin, *quia nulla causa fuit ostenta ideo ne fuit baileabile!* He went on in very sterling English. "Being committed by the command of the king, therefore he must not be bailed! What is it but to declare upon record, that any subject committed by such absolute command may be detained in prison for ever! What doth this tend to but the utter subversion of the choice, the liberty, and the right belonging to every free-born subject of this kingdom? And were it not for this parliament that followed close after that form of judgment was drawn up, there would have been hard putting to have had it entered. But a parliament brings judges, officers, and all men into good order!"

In that forcible manly style these great matters were now to be debated. Each topic was taken successively, and the debates occupied the committee on the last Tuesday, Thursday, and Saturday in March, and the first Tuesday, Wednesday, and Thursday in April. Frightful wrongs done by billeting and martial law, outrages perpetrated under direct order from the council, were exposed with merciless plain speaking; and there was hardly a speaker unable to point from personal experience his argument against the abuses of designation to foreign employment. Following Sir Peter Heyman,† Pym, Philips, and Coke stated each his individual case. "I myself," said Coke, referring to a time when he had long passed his seventieth year, "was designed to go to Ireland, and hoped, if I had gone, to have found

\* See *Parl. Hist.* vii. 385-6.

† See *ante*, 84.

"some Mompeffons there."\* He meant that he would have used his punishment to repeat the kind of offence for which he had been punished. On the other hand, the councillors maintained stoutly that to resist such even nominal employments for service of the king was only short of treason to the state. To this replied Wentworth. "We know the justice of the king; but we know not what his ministers may do to work their own malice and resentment upon any man." Eliot followed. "If you grant this liberty," he said, "what are you the better for other privileges? What difference is there between imprisonment at home, and constrained employment abroad? It is no less than a temporal banishment. Neither is it for his majesty's service to constrain his subjects to foreign employment. Honour and reward invite us rather to seek it; but to be compelled stands not with liberty."

The most striking of all the debates, however, was on the king's claim to commit without cause shown on the face of the warrant; "the greatest question," exclaimed Pym, "that ever was in this place or elsewhere;" and the question most hotly debated in the interest of the king. Nobly was it handled by Selden and Coke. "When last I spoke of it," said Selden, "I was of counsel for the gentlemen in their habeas, and spoke for my fee. Now, sent hither and trusted with the lives and liberties of them that sent me, I speak according to my knowledge and my conscience." It was a distinction his friend Coke had greater need to press, when the solicitor-general would have raked up old opinions against him. That learned official rested his argument almost exclusively on one judicial precedent of an early year of Elizabeth, in effect disabling the statutes. "What!" answered Coke, "shall I accept such law? shall I have an estate of inheritance for life or for years in my land, and shall I be a tenant at

\* *Ante*, i. 111 and 128.

"will for my liberty? A freeman, to be tenant at will for his freedom? There is no such tenure in all Littleton." He poured out from parliamentary rolls precedent after precedent on Sheldon's devoted head; flung at him what lawyer Festus said to Agrippa\* of Paul's imprisonment; and for a final and decisive proof that no man could be committed legally without cause shewn, brought forward another copy of the very precedent whereby Sheldon had sought to establish the reverse. It was the ruling of those judges of Elizabeth as reported by chief justice Anderson, and it overthrew the authority of the imperfect version by a young reporter on which the solicitor had relied. "It is not I, Edward Coke, that speaks it, but the records that speak it. This is no flying report of a young student. Of my own knowledge this was written with my Lord Anderson's own hand. I was solicitor then, and treasurer Burleigh was as much against commitment as any of this kingdom." But Charles's solicitor had his sharpest thrust in reserve against that former solicitor of Elizabeth. He rose and said he was not unacquainted with the copy of the judgment now produced, but that he had authority for preferring his own. And he pointed out a case in the earlier years of James, when the so-called second ruling of Anderson was overruled, the "young student's" report before advanced was accepted, and, upon the express authority of Stamford,\* the return *per mandatum consilii* was held to be enough; the judgment being subscribed Coke, c. j.

\* "For it seemeth to me unreasonable to send a prisoner and not withal to signify the crimes laid against him." *Acts*, cap. xxv. v. 27. Among the many careless misprints in the publication of the Birch transcripts to which I have made frequent allusion, this quotation (referred to in a letter of Mede to Stuteville) is called "Jesus's speech concerning St. Paul's acts." *Court and Times of Charles*, i. 342.

† Stamford was a very learned justice of the common pleas in Mary's reign who wrote a treatise called "Pleas of the Crown." See *Parl. Hist.* viii. 34. See also *Foss*, v. 390, where he is called Staunford.

The reply of the great ex-chief justice should never be omitted when this attack is named.\* It is easy to depreciate his later services to freedom by recalling his earlier efforts on behalf of prerogative, but nothing can be less just or wise. His intellect in youth and manhood was never so large and so bright as in his more advanced years; and in all those passages of his life where he is great, he is consistent also. In his present pleadings for liberty the substance and method of his arguments are identical with those in his Institutes.\* He had defects of character patent to all the world, as well as other defects which sprang from his coarseness of temperament: but it was in the nature of these to weaken and drop from him as his years of temptation passed away; and even while they lasted all the world could not have bribed him, if the very subtlety of his intellect had not also betrayed him, into reasoning that might tend to subvert the authority of law. It was a respect for the law as profound as his knowledge of it was prodigious, which saved his footing often in those slippery years when a greater philosopher, but inferior lawyer, tripped and fell beside him; and upon view of Coke's whole life it is due to him to say that the close of it is not a contradiction to its opening, but only its fair and no longer obstructed development.

"When I spoke against the loans and this matter," said the old man, on the solicitor resuming his seat, "I expected blows. Concerning that I did when I was a

\* Barrington has remarked this in his *Observations on the Statutes*, where he makes comparison of Coke's speeches in parliament with his reasoning in his published writings, and says that he was substantially the same man in both. In one of the papers drawn up against him by Bacon there is a passage which well expresses the general character of his life in his early years, and the conflict that was always then going on with him, between what he knew to be right and what he could be induced to think expedient. Bacon twits him with having given his opinion that the king by his great seal could not so much as move any of his subjects for benevolence; and Sir Francis adds by way of reproach, in which sense we do not read it now, that though he retracted this opinion afterwards in the Star-chamber, "yet it marred the benevolence in the meantime."

“ judge, I will say somewhat. I will never palliate with  
 “ this house. I confess, when I read Stamford then,  
 “ and had it in my hands, I was of that opinion at the  
 “ council-table. But when I perceived that some mem-  
 “ bers of this house were taken away and sent to prison,  
 “ and when I was not far from that place myself, I went  
 “ to my other books, and would not be quiet till I had  
 “ satisfied myself. Stamford at first was my guide; but  
 “ my guide had deceived me; therefore I swerved from  
 “ it. I have now better guides. Acts of Parliament and  
 “ other precedents, these are now my guides. I desire  
 “ to be free from the imputation that hath been laid  
 “ upon me.” There is no reason to doubt that he states  
 his case fairly. Dead men, as he remarked on another  
 occasion, are the most faithful of counsellors, because  
 they cannot be daunted by fear, nor muzzled by hope  
 of preferment or reward. He now was passing into that  
 state himself; and had learnt, even from his own stormy  
 life, to put his trust finally in such guides alone.

On Thursday the third of April the four resolutions  
 were voted. The first was, that no freeman ought to be  
 imprisoned or otherwise restrained unless some lawful  
 cause of such restraint or imprisonment were expressed.  
 The second, that the writ of habeas corpus ought to be  
 granted to every man imprisoned or restrained, though  
 it were by command of the king or of the privy council  
 or of any other, if he prayed for the same. The third,  
 that when the return upon a habeas expressed no cause  
 of commitment or restraint, the party, no matter by  
 whose command committed, ought to be delivered or  
 bailed. The fourth, that it is the ancient and indubi-  
 table right of every freeman that he hath a full and  
 absolute property in his goods and estate; and that no  
 tax, tallage, loan, benevolence, or other like charge,  
 ought to be levied by the king or his ministers without  
 common consent by act of parliament.\* These resolu-

\* A copy of them is in the S. P. O. under date of the 1st of April, with



tions, it was at the same time ordered, should at a conference be handed to the lords, whom it was desired to join with the commons in a petition to the king for statutory recognition of the subject's rights and liberties expressed in them; and the managers appointed for this purpose were Digges, Littleton, Selden, and Coke. The course prescribed to them was, to submit plainly to the lords the object of the resolutions, with accompanying recital, in language as little technical as might be, of the authorities relied on to maintain them; and their speeches show that each had settled previously his special task. Digges took the part which was merely introductory; Littleton shewed the grounds, parliamentary and otherwise, on which the resolutions were based; Selden cited and explained the records and precedents, statutory as well as judicial; and to Coke it was committed to reason out the whole from the profoundest principles of the common law.\*

The conference began on the seventh of April, and lasted three days; the first occupied by the statement, as above, of the counsel for the commons, and the greater part of the two last taken up by the arguments of the attorney and solicitor-general, who had claimed hearing "on the king's behalf to the claim of the

a note (not of admiration) in the handwriting of Laud. "This was voted "in the house of commons about the liberty of the subject, and impri-  
"soning without specifying the cause!"

\* The Lord President Montagu, in afterwards opening the report to the lords house of the conference, briefly but happily characterised the fitness of the several speakers for the duty undertaken: calling Digges a man of volubility and elegance of speech, Littleton a grave and learned lawyer, Selden a great antiquary and a pregnant man, and Coke "that famous "reporter of the law." *Parl. Hist.* vii. 409. One of their lordships' representatives at the conference was bishop Williams, ex-lord-keeper, who was now using all his subtlety and cleverness to turn to good account his restoration to the house. "The conference on the liberty of the subject," writes Netherföle to the Queen of Bohemia (MS. S. P. O. 14th April) "was very well performed, and by Sir Edward Coke with some mixture "of mirth, according to his manner, which served to make their lord-  
"ships merry upon the report; his part having fallen to the share of the  
"bishop of Lincoln, who performed it *with imitation of his gestures, &c.*"

“ commons against him.” For the present there was to be no argument; the law officers being left to their counter statement uninterrupted by reply. Yet even so their task was not easy, so astonishing had been the display of clear and convincing authority on the part of the commons’ lawyers. But Mr. Attorney had a sympathising audience, and found it of good account in the line he took. This was, in plain words, not to answer but to discredit his adversaries’ case; taking on himself to say that their precedents had been unfairly quoted from the original records, and that these, when properly sifted, would be found to make more against than for the commons. For one entire day, from “ morn to dewy eve,” this argument occupied him.\* “ Mr. Attorney has “ cleared the business, Sir,” said the Earl of Suffolk, as in passing from the committee room he met Sir John Strangways: “ he has made the cause plain on the “ king’s side. And now, won’t you hang Selden?” “ My lord,” replied Strangways, “ there is no cause for “ it.” “ By God, Sir,” retorted Suffolk, “ but there is. “ Besides going about to put enmity between king and “ people, he has razed a record, and deserves to be “ hanged for it.”

The words were repeated in the lower house, and strenuously resented by Eliot and Philips. Upon their motion, Coke, Selden, and Littleton were heard as to what had fallen from the attorney himself to countenance such a slander. Coke told them they were

\* MS. S. P. O. 14th April, 1628. Since Mr. Attorney argued for the king’s power that entire day, writes a member of the house, “ it is famed “ abroad that the king’s council will wash away all our precedents, answer “ our reasons, and expound the statutes, which seem to be direct in the “ point, otherwise than we have done. And yet our men are as confident “ on the other part they are not mistaken in anything, although Sir Edward “ Coke hath been forced to confesse in our house that he was of another “ opinion when he was lord chief justice and when he was a privy coun- “ cillor, having as he sayth studyed the case more thoroughly by occasion “ of the late abuse of the power of the king in committing of men for “ not lending money.”

to have no fear, for upon his skill in law he took on himself to affirm that it lay not under Mr. Attorney's cap to answer one of their arguments. "I am called upon to justify myself," said Selden. "I see the words charge me to have razed records. I hope no man believes I ever did it." He then confined himself to stating that he had not quoted a record which he had not previously copied with his own hands from the Tower, the Exchequer, and the King's-bench; and that if Mr. Attorney could find any adverse precedent in all those archives, he would forfeit his head. Littleton for himself declared that every parliamentary authority delivered by him had been examined *syllabatim*, and that whoever said they were mutilated or taken imperfectly, spoke what was false. Eliot rose when they had finished, and moved a committee of inquiry; presided over it himself; proved the utterance of the words by Lord Suffolk, in the teeth of his averment that upon his "honour and soul" he had not uttered them; and carried to the bar of the lords a report which branded their member with the double offence of slander and evasion. That was on the 17th of April.

Three days before, being Easter-monday, the judges were in attendance on the lords, upon the motion of ex-keeper Williams, particularly to declare for themselves what their judgment in the habeas case had been. An objection taken by the chief justice to attend without the king's consent, had very nearly led to a formal decision that, as a supreme court, the lords could compel such attendance. But the king hurriedly sent his consent, and the question for that time was waived.\* White-locke, Jones, Dodderidge, and Hyde were then heard successively; and, excepting the last, who stated his belief that their decision was right, and briefly reiterated its grounds to have been that while they admitted the

\* *Parl. Hist.* viii. 2. Buckingham sent off his brother Anglesey express to the king as soon as he saw the turn the debate was taking.

value and validity of the great charter, they disputed its intention to allow persons their bail who had been committed by the king's special command, all took refuge under the plea that the decision was not final, but rather, as Jones expressed it, in the nature of an interlocutory order. "When Mr. Attorney required a judgment might be entered," he said, "I commanded the clerk he should not suffer any such thing to be done." Whitelocke had before said the same. "When Mr. Attorney pressed for his master's service, we, being sworn to do right between king and subject, commanded the clerk to enter no judgment." And to the same effect followed Dodderidge. "It was a *remittitur* we granted, that we might take better advisement on the case; and upon the *remittitur*, my lords, the five gentlemen might have had a new writ the next day; and I wish they had.\*" The lords did not debate what then fell from the judges; but particular order was made that it should not have entry in the journals. The danger was foreseen, by Warwick and those who voted with him, of drawing such opinions into a precedent, even modified and explained as they had been.

A second conference for further discussion of the resolutions had been appointed before the house rose. It

\* Besides all this, uneasy misgivings broke from them. We have seen what Whitelocke said of the letters sent them by the king. "I have been thought," Jones pleaded, "sometimes too forward for the liberty of the subject. I am myself *liber homo*, and my ancestors gave their voice with Magna Charta. I enjoy that house still which they did, and I would not now draw down God's wrath on my posterity." "I have now sat in my court fifteen years," said Dodderidge, "and surely, if I had gone in a mill so long, dust would cleave to my clothes." The great lawyer Hakewell afterwards referred to these explanations as having been caused by salutary dread. "Have not the judges," he said, "in open parliament, upon our complaint, disclaimed to have given any judgment in the point? Generally before, by us here, this was otherwise conceived; but now they say it was but an award, and no judgment. Will such a notorious act, upon so important an occasion, and in so public a place, be quickly forgotten? Nay, will not the memory of it for ever remain upon record? Is not our case, then, much better than when we came hither?"

was to take place on the Thursday and Friday in the same Easter week, the 17th and 18th of April. Great preparation for it was made on both sides. Each precedent was to be handled separately, argued, and replied upon. The king was to be represented by the attorney and solicitor and Mr. serjeant Ashley; and to the former managers for the commons were added Noye, Glanville, and Henry Rolle.\*

During those two days accordingly, case by case and record by record, with a misapplied ingenuity equal to their task, and a zeal that gave full expression to the desperate pertinacity of their client, the king's attorney and solicitor upheld their master's right to imprison, without reason alleged, any subject of the realm. And so far, in his eagerness to second them, did their colleague serjeant Ashley go, that the lords themselves, in very kindness to save him from the commons,† had to rebuke his ultra-prerogative zeal, to order him into custody, and through the lord president to inform the lower house that he had so spoken without authority from them. Yet were Heath's and Sheldon's arguments as mischievous and hardly less absurd. Even Bagg's reply to Eliot's petition‡ was so far rational as to be

\* Great confusion is produced by treatment of this second conference as part of the first in the elaborate report of the *State Trials* (iii. 83-164), and by misdating the day of the judges' attendance. The narrative in the text is the result of careful comparison and correction of these and other errors pervading all the accounts, and may be accepted as trustworthy. The third volume of *Lords' Journals* requires to be studied.

† It seems more than probable that this was the motive, though the act of the lords has elicited praise from Mr. Hallam (*Const. Hist.* i. 390) as "a remarkable proof of the rapid growth of popular principles." Among the MSS. in the S. P. O. under date of the 26th of April, there is a petition from Ashley to the king through his very good lord the duke, praying for release from custody, and declaring that he shall ever deny the fitness in all cases of expressing upon a warrant of commitment by king or council the cause of commitment. In it I find this remark. "I doubt not but your grace is informed how the hon<sup>ble</sup> lords have disposed of me, which I am persuaded proceeds from their favour and love to prevent further affliction intended towards me."

‡ *Ante*, 87. I shall sufficiently recall the substance of it by quoting from the state paper office a manuscript note by Laud endorsed on the back of a

frankly based on what he held to be the lawless origin and unbecoming provisions of Magna Charta. But Mr. Attorney and Mr. Solicitor admitted the great charter to have been solemnly enacted, and to be worthy of being maintained; they did not deny that its provisions had been thirty times specially confirmed, and that six additional acts had been passed to explain and extend them; they even conceded the design to have been thereby to protect every free subject from imprisonment, except "by lawful judgment of his peers or the law of the land;" but they argued that the "law of the land" was an exception, leaving untouched the sovereign's right to imprison in special cases without assigning other cause than his own order. To state is to make ridiculous this argument. No one disputed that the charter was meant to restrain the sovereign power; and as the attorney put it therefore, some thirty-seven statutes had been thought necessary, and to obtain their enactment the leading men of several generations had put their lives and happiness in peril, simply to establish that the king was not to commit any subject without cause shown, *except at his own pleasure!*\* Nor were the precedents to support this view any better than itself. Excepting one where the judges had failed of their duty (a judicial precedent in itself worthless), they were entirely cases in which, upon the habeas being claimed, the king or his council had ordered the release; the interference being never to oppose, but always to anticipate, the action of the judges. The attorney pretended indeed that it was in this very particular the king's power had a limit; and that practically the right of commitment as claimed only list of all the parliaments that had met since Henry the Second, which he appears to have drawn up for the king. Opposite the date of Magna Charta, he writes: "It had an obscure birth from usurpation and was fostered and showed to the world by rebellion:" a tolerable proof that Bagg had at least found one attentive and sympathizing reader besides the duke.

\* This point was forcibly put by Lord Warwick in a speech to the Lords some days after the conference. See *Parl. Hist.* viii. 69-72.

prevented the prisoner's deliverance before trial. But, replied Selden pithily, "no trial where no cause. In "that case the matter is unintelligible. *Quis* and *Quare* "are two questions." And he proceeded to show that the most innocent man, imprisoned without cause shown, was in more evil case than the worst malefactor, because the offence of the latter being known ensured his trial, whereas the former might at pleasure be left to perpetual imprisonment.

In such plain appeals to good sense, and with noble and unequalled learning, Selden, Coke, Glanville, Noye, Henry Rolle, and Littleton, exhausted both the reason and the law at issue during those two memorable days. It would be needless to review arguments which have so inwoven themselves since with every habit of English thought, as to have become a part of our life, as well as the source of our liberties. But the men are entitled to everlasting remembrance who now so stamped them on the national mind, that it never lost the impress again; and that when its hopes for freedom otherwise had fallen low, it was not content to rest until safety at least to every Englishman from arbitrary imprisonment had been finally guaranteed by the act of Charles the Second.

A further reference to these arguments should also in one particular be made. With the utmost freedom of speech for the liberty of the subject, they united the most profound respect for the person and privileges of the king. All through the reasonings ran what Coke most strenuously urged against Mr. Attorney, that to require cause to be shewn for every commitment was needful for the sovereign's as well as for the subject's protection. Only so could the inviolability of his person be adequately maintained. From a judgment of chief justice Hufsey, Littleton quoted what his predecessor Markham had said to the fourth Edward. "The king cannot arrest a "man upon suspicion of felony or treason, as any of his "subjects may; because, if he should wrong a man by

“such arrest, he can have no remedy against him.” Mr. Attorney did not dispute the precedent, but enlarged upon exceptions, and upon the virtue of the *speciale mandatum regis*. No virtue in it, retorted Glanville, to excuse an act which is illegal. And quoting what one of Henry VI.’s judges had said, “if the king command me to arrest a man, and I arrest him, he shall have an action of false imprisonment against me, though it were done in the king’s presence,” Glanville added, “because indeed his majesty cannot do injury. If he command to do a man wrong, the command is void. *Auctor fit auctor*, and the actor becomes the wrong-doer.”

That was the last argument employed for the commons; and well might old Coke, after Glanville ceased, in the weighty words with which he brought the conference to an end, leave it to their lordships to put into one balance what he and his friends had laid before them of parliamentary acts, rolls, precedents, and reasons, “and in God’s name to put into the other balance what Mr. Attorney hath said, his wit, learning, and great endowments of nature, and if he be weightier than our records, let him have it, if not then conclude with us.” They did not exactly so conclude, and yet they did not conclude the other way. After two days’ deliberation they came, after the fashion of the judges, to a sort of interlocutory vote, that a commitment by king or council was good in point of authority, and, if the cause were just, good also for the matter; but this was in no way to prejudice either the prerogative of the king or the resolutions of the commons. In other words they evaded the discussion for the present. At the same time, on the motion of Lord Warwick, they went through the form of directing serjeant Ashley to be punished.\*

\* *Lords’ Journals*, iii. 717 *et seq.* Lord Warwick certainly desired his punishment, and without him all further prosecution of the case might



On the day following the close of the conference, upon the entry into the commons' house of the great lawyers who had conducted with the members who had attended it, the scene had a striking aspect. Many of the popular party who had left town the previous week, relying on the usual Easter recess, had hastened back on finding that the sittings were continued; and their presence on the morning of the 19th swelled the triumph with which the house received its champions. Sir John Eliot, whose suggestion it had been that all business should be suspended till their return, gave expression to the feeling that prevailed, and it could have had none more worthy. His speech possesses peculiar interest, and has never been printed until now. I found it among his papers at Port Eliot, in his own hand, and with indications by himself in the margin of the persons to whom he makes special allusion in it.

"Mr. Speaker," he began, "Upon this grave de-  
" liberation which has been in that great point of  
" liberty, I know not whether my affection or admira-  
" tion should be greater. Affection, that by the art and  
" industry of these gentlemen whose profession speaks  
" their excellence, the long-observed and darkened  
" rights of the subject are now laid open; admiration,  
" that to the height of argument and wit there has been  
" used such modesty and sweetness, that, in vindicating  
" the infringed liberties of the subject, we can but seem  
" to effect the advantage and greatness of his majesty.

have dropped. After two days in custody of their serjeant, Ashley had to receive a reprimand kneeling at their bar, and he was ordered to make like submission at the commons' bar before he could be released from custody; but as to the latter a difficulty arose, sufficiently characteristic for mention, and confirmatory of my suggestion that the notice first taken of the matter, by consent of the majority in the lords, was only to ward off the danger of a graver punishment by the commons. The commons declined to have any but a punishment of their own awarded for an offence committed against themselves.—This worthy serjeant, Denzil Holles's father-in-law, was uncle and guardian to the first Lord Shaftesbury, whom he defrauded of a considerable part of his patrimony. See *Shaftesbury Papers* by Christie, i. 12-13.

“ In clearing of our own interests, we are shewn to  
 “ have no other end but to make ourselves more worthy  
 “ the service of our sovereign. Wherein let me give  
 “ you this observation by the way—and I shall desire  
 “ those gentlemen near the chair\* who have intercourse  
 “ at court to take it thither with them—that the glory  
 “ of no king was ever reckoned by the multitude of  
 “ bondmen. In the number of free subjects consists  
 “ the honor of the sovereign. Such have been our  
 “ fathers; and such, I hope, we and our children shall  
 “ continue.

“ This dispute has been of two different parts, drawn  
 “ from the several reasons of the parties: the one of  
 “ arguments for the liberty of the subject; the other  
 “ containing answers and objections made against them.  
 “ The arguments for the subject had two principal  
 “ grounds. They stood on two general foundations,  
 “ whereupon divers particular superstructions were  
 “ erected. Those foundations were called, by that  
 “ honourable person† whom posterity, in whose service  
 “ he hath expressed them, must thank for the large  
 “ characters of his virtues, his *duo instrumenta*, *ratio et*  
 “ *authoritas*: and upon them he laid such curiosities of  
 “ structure for the liberty and freedom of the subject,  
 “ of such proportion in variety of reasons, in multitude  
 “ of cases, in diversity of laws, and in multiplicity of  
 “ precedents in point, that without further examination  
 “ or trial they had been an evidence sufficient for our  
 “ cause. Then, Sir, in that exact justice which was used  
 “ in the equal bearing of all parts, the other side was  
 “ heard; but by them what reason was produced, what  
 “ case vouched, what law, what precedent alleged,  
 “ that had not their full answer, or were conceived not

\* The privy councillors sat always on the right of the Speaker's chair.  
 I have sketched the appearance of the house during debate, and indicated  
 the seats of the leading members, in my *Grand Remonstrance*, 276–285.

† Marginal note to the MS. by Eliot: “S<sup>r</sup> Ed. Coke.”

"worthy of reply? For you will remember that the  
 "king's counsel\* confessed that reason was against him.  
 "He stood upon excuse, not upon defence, of that  
 "which had been done. Cases he gave none; and for  
 "laws he instanced only that of Westminster,† ex-  
 "pounded to his sense by Stamford. But how were  
 "the *contemporanea expositiones* of that grave sage of the  
 "law, on which he relied, handled by him who fol-  
 "lowed? What understanding of the scope of Magna  
 "Charta in former and in latter times, so exquisitely  
 "extracted out of the most hidden and abstruse corners  
 "of antiquity, by my most learned friend!‡ And how  
 "complete his exposition of those other laws that were  
 "descended from that great mother, and enacted only  
 "for explanation of her sense. Nay, Sir, were not the  
 "very words and meaning of Stamford himself afterwards  
 "presented, so well collected by my honest country-  
 "man§ that I presume the fullness of the answer  
 "leaves no more difficulty therein. For precedents  
 "there was only one insisted on, that of the 13th of  
 "James, wherein some advantage was supposed; for  
 "which I shall desire you to observe but these three  
 "particulars. First, for the authority it has; resting on  
 "a young student's notes, and some private observations  
 "he had taken. Secondly, for the sufficiency thereof;  
 "erring, as you know, upon two most main particulars  
 "upon the recital of the case of 34th of Elizabeth;||  
 "for which we have the contradiction of an original  
 "and authentic book by that great lawyer, Ander-  
 "son, one of the judges of that time, under his own hand-  
 "writing. Thirdly, for the reputation of the bringer,

\* Marginal note by Eliot: "Sh. foll." He refers to Sir Richard Sheldon, solicitor general.

† Marginal note by Eliot: "Westm<sup>r</sup> i. 15."

‡ Marginal note by Eliot: "J. S." He refers to John Selden.

§ Marginal note by Eliot: "H. R." Henry Rolle is referred to. See *ante*, i. 477.

|| Marginal note by Eliot: "Resolution of all the judg." For an account of Anderson, see *Foss*, vi. 51.

“ who, you know, failed as much in the number which  
 “ he promised, as in the copy of the record which he  
 “ presented. So that I say, Sir, if you compare ; if you  
 “ put, as it was said, all things of all sides into the  
 “ scale of justice ; and if there you weigh, as Cicero in  
 “ like case directs, *causa cum causâ, res cum re, ratio cum*  
 “ *ratione* ; in one part of the balance you shall find  
 “ nothing but air and lightness, in the other a full  
 “ measure of gravity and weight.”

“ Air and lightness.” That was the estimate Eliot  
 had formed of what old Coke’s politer speech had indicated as Mr. Attorney’s wit, learning, and great endowments of nature. Nor less admirable was what followed, in its opening allusion to the sore need he had himself personally felt for the protection they now hoped to extend to every subject, and in its powerful reinforcement of the cases and authorities of the law-books with reading from a larger and wider sphere. This was eminently characteristic of Eliot. Books were so real a world to him, that Cicero, Seneca, and Machiavelli had in his view a title to hearing in this great matter unquestionable as any that could be urged for Stamford, or for Anderson, or for the very clauses of the Great Charter itself.

“ And now, having given you the sense of what has passed, let me  
 “ add something more particularly of mine own. For, in this case of the  
 “ liberty of persons, I would not be thought to seem less affectionate  
 “ than in others ; seeing that what formerly I have myself needed  
 “ therein should give me not less occasion to be sensible ! I shall observe,  
 “ then, for the power that is exercised and pretended, three particulars  
 “ more than formerly have been touched, and which take it into a  
 “ larger sphere. First, that such a power is against the law of nature.  
 “ Secondly, that it is against the ancient civil law of Rome. Thirdly,  
 “ that it is against the rules and maxims of policy. Sir, that it is against  
 “ the law of nature is well implied by Pliny in his emblem of the bees,  
 “ where the king alone is wanting in a sting, as an instrument to hurt.  
 “ Thus are we taught that where there is most of power, there should be  
 “ least of injury ; and that punishments should be, not the acts of princes,  
 “ but the ordinances of the laws. We have it yet fuller in that *formula*  
 “ *Ciceronis*, that eulogy of justice and the law, where he says *de trahere*  
 “ *aliquid alteri et hominem hominis incommodo suum augere commodum magis*

"*est contra naturam quam mors.*" What! is it so to take anything away? Is it, more than death, against the law of nature and life "*destrabere facultates*, those things we call *bona fortune*, those things that the philosophers so willingly could leave that they might *citius philosophare*? How much more against nature, then, *destrabere libertatem*, which is *destrabere lucem*, to take away the light, nay, to take away the life; for what life enjoy we without right, what light without our liberty? A fortiori therefore it stands good, as our liberty is more precious than our goods, so is that disruption more contrary to nature. Sir, it is not less against the ancient civil law of Rome, under whose authority some have seemed to shroud it. Besides the evidences formerly given out of that case of Paul,<sup>†</sup> and those other inferences upon that of the twelve tables, *salus populi est suprema lex*, in his *Proprium Civitatis* Cicero likewise proves it, when he says that *nihil de capite civis vel libertate* might be taken without the judgment of the Senate, or of them who in the particular matter were the constituted judges. You see how full in point the authority is. But I hasten what I may to give an end to this dispute, already indeed by our great lawyers made so clear that it needs not further labour to conclude it. Not arguing new opinions, therefore, I shall only mention here that this practice of princes to imprison and commit appears by reason to be also against the rules of policy. Sir, there is a rule which admits no postern, no back way of escape, *Potestas humana radicitur in voluntatibus hominum*. Subjects should be kept therefore in affection to their sovereigns; and to that end it is that our laws lay all faults and errors on the ministers, so that no displeasure may reflect upon the king. So doth Seneca intimate to us: *regem debere solum prodesse, nocere non sine pluribus*. Machiavelli, too, a great master in this art, who was most indulgent unto kings, and sought to advance all tyranny, yet in this directs that they should disperse courtesies only by themselves, and leave injuries and punishments only to others.<sup>‡</sup> Sir, we shall find it likewise insinuated by the ancients in their fiction of Jupiter

\* The passage is in Cicero *De Officiis*, lib. iii. sect. 5.

† Marginal note by Eliot: "25 Acts." See *ante*, 150.

‡ The passage quoted by Eliot is from the same work wherein the great Italian, writing in the interest of princes, declares against "exceptional laws" and "measures taken in an extraordinary way and not in the regular course of law," as hurtful to the commonwealth, on the sagacious ground that when "any pretext of good ends is permitted as a justification for breaking the laws, the same pretext serves and comes to be accepted as sufficient when it is wanted to break them for bad ends." It may not be without interest to remark that these very passages from Nicolo Machiavelli, on which Eliot remarks in this speech hitherto unpublished, were quoted in a recent debate in the Italian parliament upon the arrest of deputies during the affair of Aspromonte; and that, in the speech of the member for Palermo, not only was frequent reference made to our Petition of Right, but a remarkably correct knowledge was shown of the struggle by which it was obtained, and of the issues it involved.

“delivering his thunder from the heavens, whom they make *fulmen suum placabile solum mittere, permissum aliis tradere*. That which “was pleasant was his own, that which was distasteful went through “others.”

Eliot closed with a brief but pregnant allusion to the “further course” which these great arguments for liberty had now opened out to them. “Sir,” he added, “such were the instructions of the elders, and such “the practices of those times. You see how both “reason and justice confirm it, and that it has a general “concurrence of the law. Upon which we may safely, “by the resolutions submitted, here resolve, that what “otherwise has been acted or done was in prejudice “both of his majesty’s interests and of our rights, after “which I hope we shall take such *further course* as may “secure us for the future.”

This further course, however, was precisely what the king was now bent on intercepting, if it lay within his power. He had not been inactive while yet the conferences were in progress. In the six days between the 8th of April when the first began, and the 14th of that month when order was given for the second, secretary Sir John Cooke had carried from him to the lower house no fewer than five messages. His importunity betrayed him. Too broadly his purpose declared itself to use the house of commons only for supply, and to dismiss it as soon as that object was achieved, not to have fixed its leaders irremovably to their own course, if in this they had ever wavered. But the house itself kept them steady and true. Individuals will yet be found yielding, in a greater or less degree, to the excessive pressure; but there was never any sign of yielding in the vast majority. From the first they had determined, that, not in the sense wherein the king used the words, but verily and in truth, his business and their own, supply and the redress of grievance, should go together, or together stop. His first message had

indeed raised also another question. In his eagerness to have the vote for five subsidies turned into a bill, he sent them a request that there might be no adjournment for the usual Easter holidays; and this was so manifest an interference with orders made always by themselves, that it provoked a natural resentment. There were circumstances that increased the jealousy and dislike. Three days before, the lords had been requested not to rise at Easter; on which it was taken for granted that a like message would come next day to the commons, and special preparation was made for it.\* But that morning brought instead the welcome intimation that the design was abandoned, at the intercession, it was whispered, of the duke; whereupon "many scores" of members left town at once, and it was to a house so thinned of the majority on which the leaders relied, that the delayed message was unexpectedly addressed. Besides the interference with their privileges, there was the obvious purpose to take advantage of the departure of members; and immediate resistance was made. Sir Robert Philips declared that it lay exclusively with the house itself to sit or to adjourn; and Coke put the well-understood distinction clearly in the remark that the king prorogued the house, but the house adjourned itself. As they were preparing this answer, however, with assurance that their recess should occasion no loss of time to the public affairs, there came a second more urgent message (his majesty, says a member, "expressing his denyall in some anger, though that was suppressed"), to which they assented so far as to abandon the intention of rising.

\* "The like message was expected in our house the next day. But none being delivered, although there was occasion offered by reason of a motion made to have a call of the house on Thursday next upon the recess, some of my lord D his friends, with a purpose to do him a good office, whispered in men's eares that his grace had upon his knees besought his majesty to send noe such message, and prevayled. Whereupon the next day there being such a message delivered from the king after that many scores were gone into the country, this stirred a strange jealousy in our house that there was deffein in it." MS. S.P.O. 14th April, 1628.

At the same time, an unexpected motion made by Eliot defeated any hope of advantage to the court from the continued sitting. Mede describes it in a letter to Stuteville. Sir John rose suddenly, and reminding the house that the message to which they had just acceded had been withheld from them for two days, expressly that the house might become thinned by the absence of members resorting to their homes in reliance on the usual recess, craved leave to submit a motion "that neither matter of supply nor any other matter of moment might be concluded on until Thursday in Easter week, when those which were gone out of town, which were an hundred at least, would be the greater part returned;" and this, the letter writer adds, "was yielded to by all."\* It was the hurrying back of those members that had given so striking an aspect to the house on the morning when Eliot expressed its thanks to the great lawyers who had vindicated liberty.

Nevertheless, the day following the incident just described, there came a third message. Not as to any new matter of supply, Cooke said, had he received it in charge from his majesty again to address them; but, with regard to a vote already passed, to urge them to turn it into act. A subsidy without time was no subsidy. Freely and bountifully had they given, and it remained only that they should name a time. What followed was afterwards referred to as curious evidence of the secret negotiations already undoubtedly begun with such of the popular party as were thought to be most compliant. Sir Dudley Digges startled his friends by expressing a disposition to concede.† Nay, even Sir Edward Coke

\* Letter in the Birch transcripts (*Court of Charles*, i. 343). On the other hand, in writing to the king's sister, after describing the circumstances and Eliot's motion thereon, Netherfole states that "though well seconded" it was not adopted. (MS. S.P.O.) The probability however is, judging by what transpired the following day, that Mede's account is correct.

† Netherfole, writing to the queen of Bohemia, describes what he calls this untimely motion "seconded by some but opposed by so many more" that the matter grew to a great debate of manye hours, and although Mr.



intimated his willingness to waive further resistance on this point, and to consent to what was wished. It was Good Friday, he said, and it would be a good deed that day: though he would fix such an interval as to give them time meanwhile to accomplish the confirmation of their liberties. But Eliot still strenuously resisted, and with such effect upon the house that a vote had nearly passed to reject altogether the secretary's overtures, when Wentworth rose. With him the court had not been able yet to complete any terms, but it might be hazardous to affirm that even now negotiations had not begun; and his speech certainly was of the strange kind that at once seemed to shut out hope, and instantly after to open the door to it. He began in his decisive way. It would not do, he said, to set down time particularly, till they were sure that the subjects' liberties would go hand in hand. Then they might resolve of time; but even then not report it to the house till they had a ground and bill for their liberties. That was the way to come off fairly. His conclusion, however, was not quite so decisive. He professed his strong desire notwithstanding, in the interest of the king, that something should be done in the direction of his message. So far, for example, as to imply in general terms a time probable, he was disposed to think the subject might be entertained; and this led to the matter being referred to a committee, at which Sir Nathaniel Rich carried a proposal to limit the term to within one year from that date: addition being afterwards made, by way of reply to the message, that no further suggestion as to supply from any quarter would be entertained until the question relating to the liberty of the subject should be finally determined.

"Secretary Cooke did sufficiently intimate the danger might ensue upon our putting back the motion, yet it had certainly been rejected, but that Sir Thomas Wentworth, who hath the greatest sway in this parliament, professed his desire to have something done in the business since it was unfortunately stirred."

But even yet the king was only at the beginning of the course by which vainly he hoped to exhaust the perseverance of the commons. "We all thought," says Netherfole, "we had been well gotten off this rocke, "whereon we were almost run casually. But the next "morning"—the very next morning Cooke carried down to them a fourth message of a sharper and more threatening tone. His majesty had given them timely notice, it said, of the pressure as well of time as of necessity. He had long since expected some fruit of what had begun so happily, and he had to require from them now no further putting off or postponement. He was willing that his own affairs, and those of the house, should concur and proceed together; but not that one should give interruption to the other. They had been inventing mere pretences for spinning out time. He bade them take heed, therefore, that they forced him not by their tedious and needless delays, to make an unpleasing end of what was so well begun.\* This threat could only mean dissolution. "It amazed the whole house," a member writes, "as a forerunner of our dissolution." Yet Cooke hastened to add to the message an assurance from himself that such was not the meaning. The truth was, he said, that his majesty had been much disturbed by their resolutions and by the speeches on handing them to the lords. He made the remark with grief; but notice had been taken as if the house pressed not alone upon the abuses of power, but on power itself. That touched the king — Here a cry interrupted the secretary, and he was not allowed to proceed further. What do you mean by "power," was called out by several voices. Made conscious of his

\* "There were," writes Netherfole, "yet sharper words in the message, "which I spare." It exists still, under Cooke's hand, among the S. P. O. MSS; with all the threatening words interpolated in the writing of the king. From these latter insertions I quote the closing sentence: "Bidding "you take heed that y" doe not force him (by your tedious or needless "delays) to make an unpleasing end of these fayer beginnings."

error, he refused to descend to particulars, or to go from what strictly his majesty had given warrant for. But a debate ensued, in which, after somewhat silly interference by a knight of the Quixotic kind who afforded frequent opportunities of entertainment\* to the house, some strong speeches were made, and some words of rather memorable warning spoken.

A member began it by requesting that the king's message should be read again. Then for a little while no one said anything. It was easier for the moment to think than to speak. We were all "sad and silent," says one who was present; until Sir Francis Netherfole got up and asked leave to relate what he had dreamt the previous night, at which, though there was much laughter, and the Speaker interposed that it stood not with the house's gravity to hear dreams, permission was given to Sir Francis to go on. He had nothing to say which did not increase the laughter; and the incident is only curious for its proof of the readiness with which any relief will be caught at, however foolishly trivial or absurd, when there are causes for over-anxiety, and the attention is under painful strain or pressure. The leaders of the house had themselves to interfere before gravity was restored. Eliot, Coke, and Wentworth all spoke to Netherfole's dream, before a hearing was obtained for Sir Humphrey May to speak to his majesty's message. That subject again brought back, however, there was no more laughter for that day; but words very weighty and very serious were uttered.

\* See *ante*, i. 380-1. The house of commons has rarely been without its eccentricities, and Sir Francis Netherfole was a superior as well as amusing specimen of the class, for he had more intellect than always belongs to it. His letters to the king's sister from which I have quoted lately, and in which he relates such leading incidents as passed under his notice in the house, are for the most part sensible and manly in their tone; and their evidence on some points, as will be still more strikingly seen hereafter, coming from a witness with no prepossessions against the king or his ministers, is invaluable. They are all preserved among the MSS. in the S. P. O. Four or five years later, Sir Francis's exertions for his royal mistress got him into trouble with the king.

The chancellor of the duchy having implored the house to have greater confidence in the king, asking them what good a law or anything else would do them without possessing his majesty's affection, Sir Robert Philips replied that if they did not possess it, they had entitled themselves to it by unexampled moderation. That alone should have given assurance of their loyalty, he added; and let the gentlemen who advise his majesty not fail to report to him, that even such messages as had been delivered that day had failed to interrupt their application to his service. Wentworth succeeded Philips. Before they could resolve to give, he said, it must be determined what they had to give. Not alone their estates, but their consciences had been racked in the loan, which ministers in their pulpits had preached as gospel, and damned the refusers of. And yet, exclaimed Eliot, who rose after Wentworth, they continued to be loyal. It might be feared from what had passed, he added in words that well deserve remembrance, that his majesty thought them anti-monarchically affected, whereas such was, and ever had been, their loyalty, that if they were to choose a government they would choose that monarchy of England above all governments in the world. What they did in that house was out of the resolve to maintain it. In conclusion he implored the gentlemen near the chair to prevent the mischief and obstruction of such frequent messages.

Before the house rose this day, the manifesto against martial law and the billeting of soldiers was completed; and for guidance of their Speaker in presenting it on the following (Easter) Monday to his majesty, instructions were drawn up which were at the same time to comprise an answer to this last message. These instructions had been committed to the care of Coke, Wentworth, Eliot, and Selden, and in their tone and advice they were even worthy of that illustrious parentage. The Speaker was respectfully to state the ancient right of the com-

mons, established incontrovertibly, to consider grievances before they voted supply. He was to explain how careful they had been, in every step they had taken, to maintain intact the sovereign's prerogative. He was to express their opinion that to protect the subjects' fundamental liberties was the only way to establish the king's power, which every opposing practice weakened. And, finally, he was to entreat his majesty not to trust to such private relations as might be given him of what passed in their house, but to receive account of their proceedings from themselves alone.

Finch preserved the substance of this manly counsel, though he translated it into his own abominable language; but the king only replied by promising attention to their grievances as to billeting and martial law "in a convenient time," and by saying, as to his own affairs, that time called fast, and would stay neither for him nor for them. He pressed them to hasten therefore, and not to forget that it was he who sat at the helm, and whose exclusive business it was to guide it. That was on the 14th of April;\* and for a fortnight

\* No record remains to show that his majesty's promised answer as to billeting was ever given; but under date of the 14th in the S. P. O. there is, in Secretary Cooke's handwriting, a draft answer which had been prepared, but was certainly not delivered, that day; and which probably was altogether withheld on representations from the more moderate members of the council. It could only have more inflamed the commons in a matter that already had stirred the greatest heats among them. No notice is taken in it of the specific and frightful outrages complained of, but credit is even assumed by the king for having, "to his great charge, though with some inconvenience to his loving subjects," kept his army on foot, and in readiness for offence when times and means should fit. "The means" he continued, with the tone of a man complaining rather than of answering a complaint, "as they all knew depended upon the success of this parliament, summoned to that very end; and therefore his majesty, from the beginning thereof, had so often called upon them to enable him to give that expedition in removing the companies and procuring their own safety, which they so much desired, and which depended wholly upon themselves. His majesty could only now assure them that on his part no time should be lost; the charge and inconvenience of keeping those soldiers out of action lying more heavy upon him than upon them. And therefore as soon as they should enable him, either with money or a foundation of credit whereby money might be raised, he would accomplish their desire; and he blamed them in nothing

after it they had a reprieve from further messages. The interest had shifted to another place.

From this opening day of the week in which the commons' resolutions were debated before the lords, until the last day of the week following when counter-propositions from the lords were reported, the king's anxieties centered wholly in the peers' house; and incessant, during these few days, were the interferences of himself and his councillors to influence the decision. The first step he took was to call up by writ and give votes to lord keeper Coventry, to Weston still chancellor of the exchequer, to Sir George Goring, to Lord Suffolk's youngest brother, to Conway's son Edward, and to old Sir John Savile. Alarms began to spread as if the upper house were to be packed. "The parliament men are yet doubtful for the great business," wrote Mede, "because the court faction in the house of lords is so numerous and increasing." It was an agitating time. Rumour went that a compromise was to be attempted, and that some of the commons would join. It was clear that there would be a plurality of voices for the king in the lords' house. Might it not be well, then, to meet half way the overture made by Mr. Attorney, and so moderate the extent of the liberties claimed that his majesty and they should sooner agree? No, no; replied Coke resolutely, when this was named to him; "the true mother consents not to the dividing of her child." "What!" exclaimed Buckingham with an oath, "does

"more than that they made no more haste to give themselves ease." Comparing this paper with the statement to which it affects to reply, I know nothing more characteristic of the king and a portion of his council; and we may infer from its withdrawal, I think, whatever other causes may have conducted to that step, that the commons were in no temper to have had such a grievance treated in such a tone. Indeed attempt was made, after a few days, to raise a little capital upon fresh promises held out of a reply that should be satisfactory. "Mr. Secretary," writes Netherfole on the 22nd (MS. S. P. O.), "has let us know that his majesty could not give us any answer to our petition concerning billeting until we made some further progress in the business of the subsidies, &c. &c." The commons were neither to be frightened nor cajoled.

"he call my master a strumpet?" "His grace misinterprets me," was the old man's moderate rejoinder.\*

These doubts and anxieties proved to be well founded, when, at a conference on the 25th of April, five propositions were delivered from the lords, embodying the view they took, and their desired modification, of the commons' resolutions. Four of these, though professing substantially to give effect to the wish of the lower house, not only accepted the king's word for a sufficient security, but were themselves so expressed as to leave the question unsettled whether the liberties claimed were of right or of grace; and the fifth, in what his majesty might judge to be extraordinary cases, conceded to him the entire power in dispute, subject only to a vague condition that "within a convenient time" the cause of commitment was to be declared.† The commons lost no time in avowing their disagreement, and the 28th was appointed for a final discussion in their own house.

On that day Charles made yet another effort to arrest the decision. He went to the lords; sent a message for the commons to attend; and then instructed the lord-keeper to address them. After brief prelude, Coventry said that out of his princely regard his majesty had thought of this expedient to shorten the business they

\* The date of this anecdote, it will be borne in mind, is between the first and second conference. It explains an expression in a letter of the 22nd of April (MS. S. P. O.) in which Netherfole writes to the Queen of Bohemia: "If Captayne Coke (as the king your father was wont to call him) may have the leading of our house, we will not yield to any termes of accommodation; for at the conference he said 'The live child is ours!'. . . God make us more wise and moderate, or we are all lost."

† Yet they do not seem to have satisfied Laud. There is a copy of them among the MSS. in the S. P. O. with marginal comments in his handwriting. To the first, intimating that the great charter and six statutes are still in force—"Yea," writes Laud; "but *salvo jure coronæ nostræ* is intended in all oaths and promises exacted from a sovereign. (See *ante*, 90.) So, upon the second declaring every subject's fundamental right to a property in his goods and a liberty of his person, Laud makes the comment, "but deprivable of them upon just cause; and soe, fiscall"—a curious misapprehension of the point.

had in hand, and he hoped it would be final. "He hath commanded me to let you know," Coventry went on, "that he holdeth Magna Charta and the other six statutes to be all in force; and that he will maintain all his subjects in the just freedom of their persons and safety of their estates; and that he will govern according to the laws and statutes of the realm; and that you shall find as much security in his royal word and promise as in the strength of any law you can make, so that hereafter you shall never have cause to complain." It was, in fact, the lords' propositions simplified.

Returning with the commons to their house, Secretary Cooke, who was provided with a copy of what Coventry had said, laid it on the table and implored his fellow members to accept it. In no law they could make, he argued, would they find as much security as in his majesty's promise. Whatsoever bill they might succeed so far as to pass, it would have to come to his majesty's allowance. Then, in his very vehemence of entreating them to give way, the "old artist" forgot his cunning so far as to rival Netherfole himself in the laughter he occasioned. "The king's favour," he said, "is like the dew upon the grass; there all will prosper. But all laws, with the king's wrath, are of no effect; for the wrath of a king is like the roaring of a lion." It was an unfortunate scriptural application. Eliot was versed as well in other literature, and might have reminded Philips or Selden, from example of a different stage, that it was possible to act the lion's part too terribly, and that it might be wisdom in a personator of the royal beast to roar even gently as a nightingale. This debate left it clear that his majesty himself, soon or late, would have to try a less alarming utterance. The courtly Rudyard, though he had of late resumed earnestly his old task of mediator, admitted that their lawyers had established "out of all question" that



the very point, scope, and drift of Magna Charta had been to reduce the regal to a legal power\* in matters of imprisonment; and for his own part even Sir Benjamin could not but be very glad, therefore, to see that good old decrepid law, which so long had kept in and lain bed-ridden as it were, walk abroad again with new vigour and lustre, attended by the other six statutes.

Precisely this, so quaintly but well expressed, was what the house resolved that memorable day. They passed

\* "*To reduce is a hard phrase*" writes Laud in a MS. marginal note to a copy of this speech in the S.P.O; and his other notes upon it are not less curious evidence of the disposition with which this man of obstinate and evil counsel, all powerful now with the king as well as the duke, received any effort at mediation even from one whose services, rendered to the court in debate, were such as Rudyard's had been. Among the remarks of Sir Benjamin was this. "It is objected that the king ought to have a trust left and deposited in him. God forbid but he should! And I say that it is impossible to take it from him, for it lies not in the wit of man to devise such a law as should be able to comprehend all particulars, all accidents. Extraordinary cases must happen, which when they come, if they be disposed of for the common good, there will be no law against them. Yet must the law be general, for otherwise admissions and exceptions will fret, and eat out the law to nothing." To which Laud interposes in the margin: "*The reasons are weak. For suppose such a lawe could be made, yett it could not take off all trust from the king. Things may be disposed of to the common good, and yett have a lawe against them. There are in most lawes exceptions which yet doe not fret, &c. &c.*" After this Rudyard had used the innocent expression: "But let us consider where we are now, what steps we have gone and gained." On which Laud pounces thus. "AND GAINED! *Here's the true end of deliberations in y<sup>e</sup> lower House!*" Rudyard then, expressing a hope that their bill would specially provide against imprisonment for refusing to lend, went on: "As for intrinsical power and reason of state, they are matters in the clouds where I desire we may leave them." At which we have this sarcasm from the bishop. "*Before, he grants a trust; now he would have the power y<sup>e</sup> should execute it, in y<sup>e</sup> clouds!*" Finally Rudyard had thus temperately delivered himself: "Let it be our master-piece so to carry our business as we may keep parliaments on foot; for so long as they are frequent, there will be no irregular power: which though it cannot be broken at once, yet in short time it will fade and moulder away." This was in effect to counsel moderation; in the belief that by such harmonious working of the powers of the state all irregular exercises of power would die out of themselves. But Laud is unable to see it in that light. He views such counsel with nothing short of horror. "*The game is for frequent parliaments! And the end, to make the other power (which he calls irregular) to moulder away. And to watch advantage!*" With such a counsellor ever at the king's and duke's ear, what hope was there of any fair agreement or good understanding? It was not possible to keep even a Rudyard on the side of moderation and compromise.

over in silence the royal message, and by special vote they referred it to a committee of lawyers "and others of the house" to draw a bill containing the substance of Magna Charta and the other statutes concerning the liberty of the subject.\* And thus came into existence the immortal Petition of Right.

### III. THE PETITION OF RIGHT.

The lawyers to whom, with "others of the house," prominent among those others being Wentworth and Eliot, it had been referred to frame this great statute, and who met for the purpose in the hall of the Inner-temple, were Coke, Selden, Littleton, Henry Rolle, and Robert Mafon. The exact course of their proceeding is not known to us;† but some light is thrown upon it by the discussions in the lower house immediately following the reference, which were rendered necessary by messages from the king, and in the course of which Mafon in especial took a leading part.

The first question started in those discussions was raised by Hakewell, the great lawyer who had fought strenuously against the crown in the matter of impositions, but who had lately, in the present dispute, shown occasional leanings to a compromise that should not give to either crown or commons the absolute victory. This eminent person suggested whether it might not suffice for the purpose desired, simply to recite Magna Charta and the other acts, and so confirm them without further explanation.

\* *Commons Journals*, i. 890. This was resolved "without one negative." The Committee, in the words of the resolution, was to be named "of some lawyers and others of the house for the present framing of a bill, therein expressing the substance of the statutes of Magna Charta and the other statutes, and of the resolutions made in this house concerning the liberty of the subjects in their persons and estates."

† The only direct record remaining of any of the proceedings of the committee is a speech of Selden's, in which he recommends that in the wording of the bill the violation of their liberties should be "tenderly mentioned;" and points out the provisions of the several statutes in the old Norman-French, from which the respective rights of the subject received their several sanctions and guarantees.

This would in effect, he reasoned, secure the substance of what they had resolved as to personal liberty in a form which the king and the lords were pledged to accept; whereas to the particular wording of the four resolutions both were opposed, and his majesty in an especial manner pledged, so that by inserting such specific language in the proposed statute they might only prolong dispute at the ultimate risk of losing all. It would be itself no small advantage, Hakewell continued, to have the ancient provisions for liberty, of which some had never yet come into print, and others had even been disputed as in the nature of charters rather than statutes, confirmed and put in one law to the easy view of all men. Points of doubt that had arisen from the language employed in them might indeed be left, by the course he proposed; but it would always be remembered that their confirmation at that time had been rendered necessary by the imprisonment of those worthy gentlemen for not lending, and by the refusal of the judges of the king's bench to bail them; and as there could never be a better rule for expounding a law than the occasion of making it, this would be a sufficient security for the right construction in future times of the law they were about to frame. If Hakewell had succeeded in what he thus quite honestly proposed, the consequence must have been disastrous; but the matter was not left doubtful for a day.

The instant reply by Selden so decisively exhibited the new and more grave danger to which liberty would be exposed in future time, if they should then solemnly enact a law leaving open such construction of the statutes recited in it as they had lately heard from the officers of the crown, that the suggestion was laid aside. The king himself, as will be seen without effect, made subsequent very earnest attempt to revive it; but it was never renewed by Hakewell, and after one more attempt at mediation he rejoined his old associates. That second attempt had the same design of meeting the objections of the king

and the lords by a compromise involving, as was alleged, no substantial surrender of the points at issue. The bill should not expressly provide that the cause of commitment was to be stated on the face of the commitment, but only that it was with certainty to be expressed upon the return of the habeas. It was again urged by Hake-well, and by some others who had voted for the four resolutions, that this concession, disposing of the main objection of his majesty and the council, would also satisfy the only reasons of state lending any sanction to that objection, by affording opportunity for commitment without showing immediate cause, in cases where a disclosure at the moment might intercept full discovery of some secret treason. To this point, which at first had seemed plausible, Mason addressed himself with consummate success; and his argument, while it shows why the bill was drawn in the shape it ultimately took, explains also why the leaders refused again to swerve from it, and determinedly resisted every form of compromise.

He began by laying it down as the rule they should be guided by, in now proceeding to reduce into an act the substance of what they had so long debated and so solemnly resolved, that they must ever after expect to be confined within the bounds of the act so to be passed at their suggestion. For all time to come it would be taken to prescribe the limits of the prerogative in respect of the matter it related to. They were to remember also that being an act of explanation as to rights claimed to be existing and in force, it could never receive other explanation than itself contained. Further, he must remind them of the axiom *lex caveat de futuris*; and that, in framing a statute, it was not enough to limit their prevention to what they might imagine likely to happen under their present gracious sovereign, but they must provide for the prevention of all possible inconveniences in future times.

What then would be the effect of enacting only,

by their bill of explanation, that the cause of commitment must be expressed upon the return of the habeas? Would it not necessarily be inferred, the statute having so appointed the time of the expression of the cause, that before the return of the habeas the cause need not be expressed? The result of this, if not specifically to legalise commitments without assigning the cause, clearly would amount to a toleration of such commitments. It had been argued that the words to be prefixed as the base or groundwork of the statute, that no freeman could be committed without cause, would substantially guard the right. But the accompanying provision would operate as a perpetual dispensation, beginning with and continuing as long as the law itself. It would make the person who commits sole judge of the occasion until the return of the habeas. It would give him licence until that time to conceal the cause. It would, for so long, absolve governors of prisons from all penalty for unjust imprisonments; and that which was designed for an act to explain Magna Charta and the other statutes would in reality be an act to abridge them. Under sanction of it, a man who had committed the pettiest of offences might have no opportunity of defence till he had undergone the gravest of punishments. By means of it he might so be shifted without remedy from prison to prison, at distant points of the kingdom, as in effect to have incurred lifelong imprisonment before return could be made at all.

Mason's conclusion therefore was, that he would rather depend simply on their own four resolutions, and on his majesty's declaration lately given in the lords, than pass the act in any such form. Their duty was not merely to provide for the subject's early delivery out of prison, but for prevention of his imprisonment unless by law. Let them not be parties to what would further endanger him, and put him in worse case than before. Under pretext of providing for a particular danger alleged upon reasons of state, which might possibly fall out once in an

age or two, let them beware that they did not spring a leak which might sink all their liberties—that they did not open a gap through which Magna Charta and the other statutes might issue out and vanish for evermore.

These speeches had been delivered, and the committee of lawyers in conference at the Temple had not yet reported, when, in the afternoon of Thursday the first of May, Cooke carried to the commons another message. It was very brief. His majesty desired the house clearly to let him know whether they would rest upon his royal word and promise, which he assured them should be really and royally performed. For a space there was profound silence, which the secretary himself was the first to break. Their silence, he said, seemed to invite the appeal which with great urgency he had to make. If they passed a bill as proposed, he had to point out to them that government could no longer be carried on. Did they wish to give the subject greater liberty than his fathers ever had, at the cost of depriving the crown? The existing statutes contained all they could desire, unless what they desired was innovation. Whatever they might add to those statutes could only be an increase of their own power by a diminution of the king's, and this was the greatest danger that could befall the subject. Government was a solid thing; it required support for the subject's own good; and they were not to suppose that by any number of speeches and cases of law, however learned, they could make that to be no law which experience would find to be every day necessary, let them enact what law they would. "Give me leave freely to tell you," said Cooke,\* unconscious that he was arming them with the sharpest weapon that could be used against his master and himself, "that I know by experience of the place I hold " under his majesty, that, if I will discharge the duty of

\* This portion of his speech is not in *Rushworth*, but will be found at p. 162 of Fuller's *Ephemeris*.

" my place and the oath I have taken, *I must* commit  
" without expressing the cause to the gaoler, or to the  
" judges, or to any councillor in England except the  
" king himself. Yet do not think I take this power to  
" be unlimited; for if I shall commit the poorest porter,  
" and it appears I do it not upon a just cause, the burden  
" will fall upon me heavier than the law can inflict, for  
" I shall lose my credit with his majesty, and also my  
" place." He omitted to explain how it was so clearly to  
appear that he did not do it upon an *unjust* cause? Nor  
does it seem to have occurred to Sir John that the loss  
of his place would be no adequate set-off against the poor  
porter's loss of his liberty; that by illustration taken from  
such a case he had disclosed exactly what other king's  
advocates, with pleas drawn from reasons of state, were  
striving to conceal; and that the condition of things  
exhibited by it, and involving the liberty of the meanest  
equally with the highest subject of the realm, admitted  
only of the remedy the commons now were bent upon  
effecting.

When the secretary resumed his seat, Coke moved the  
suspension of committees and all other business so that  
every man might consider the message, and resolve  
of an answer in the morning. The house turned itself  
into grand committee, and the debate began. It con-  
tinued that afternoon, and the whole of the following  
day; Philips, Eliot, Coke, and all the leading speakers  
taking part in it; and Eliot seizing the occasion to de-  
clare, upon what the house had heard from one of his  
majesty's privy council,\* that within these few years,  
by unauthorized acts of the sovereign's ministers and  
advisers, the subject had suffered more in the violation  
of ancient liberties than in three hundred years before.  
He challenged denial on that point; and declared that they

\* He alludes to Cooke, of whom he speaks always with bitterness  
(*ante*, i. 301, 349, 430, &c.) I find the remark in the text in his own hand  
among the Port Eliot MSS. The substance of the words is given in *Rushworth*  
(i. 553) as having been used in this debate, but without Eliot's name.

would now abandon their most solemn duty if they did not, once and for ever, guard the subject better in times to come. Philips with peculiar solemnity declared that in his view they were now come to an end of their journey, and the well-disposing an answer to that message would for ever give happiness or misery to the kingdom. Wentworth spoke last in the debate, and apparently with a more extraordinary effect than any preceding speaker. Eliot had occasion, three years later, when Wentworth was lord president of the north and himself a prisoner in the Tower, to bring this speech to recollection. During his majesty's messages at the preparation of their Petition, he tells us, "a noble lord, then a "worthy member of the commons' house,"\* had compared the times when parliaments governed with those in which they had been made nullities and abortions; and he had shown that since ministers and privy-councillors had taken the government on themselves, the old fortunes of England had forsaken her, and no one public undertaking, of the many she had attempted, had been happy or successful. By a large induction of particulars he had proved this. He had traced it in direct results from a neglect of the grave counsels of parliament, and rejection of their wisdom; which on all occasions then it had been best to follow, and which it behoved them in an especial degree to follow now. It was this, continued Wentworth, that should guide them in their reply to the king. Never house of parliament more than the present, as far as regarded

\* MSS. at Port Eliot. Eliot leaves no doubt as to the person intended by putting Wentworth's name in the margin. The passage occurs in a very interesting paper written in his last imprisonment, and hereafter to be quoted, which was manifestly intended as the groundwork of a speech to be delivered in a parliament which he knew must sooner or later come, but which did not come until he had been eight years in his grave. It was this very speech of Wentworth's to which Lord Digby called attention in his first fierce denunciation of Strafford at the opening of his impeachment, when he appealed to all who had been present in the house at the agitation of the Petition of Right whether they did not remember that grand apostate to the commonwealth, the lord lieutenant of Ireland, as "a most keen and active patriot." See *Rushworth*, iii. 1356.



themselves only, trusted more in their king's goodness; but it was necessary that restraint should be placed upon his ministers; and in that house, after what had passed, they were accountable to a public trust that his majesty's goodness might remain to posterity. For this there was no other than the parliamentary way. It had become essential, that, not by private or personal messages, but according to the old ways of parliament, his majesty should now be pleased to declare, for the comfort and safety of his subjects, that all his ministers should in future serve him only according to the laws and statutes of the realm. Seeing that there had been a public and confessed violation of the laws in this respect, nothing short of that public amends by bill which would secure them for the future, could satisfy them now. And their desire to vindicate the subject's right by the bill then preparing, was no more than to claim what former laws had given, with "modest provision for instruction, performance, and execution;" which alone might enable the subject to supply his majesty with cheerfulness, and give themselves a welcome when they should return to their homes.\*

"So well did this agree with the sense of the house," says Rushworth, "that it was made the ground for a representation to be delivered by Mr. Speaker to the king." But while yet it was preparing, in the afternoon of the second of May, another message was delivered to the house by Cooke. Informed from hour to hour, by members placed in the house for the purpose, of what was going on; and acting, it was believed and there can be little reason to doubt, under Buckingham's immediate advice and inspiration; Charles vainly hoped, by this incessant

\* This last expression is taken from an imperfect MS. memorandum of the speech, in the handwriting of Secretary Nicholas, preserved in the S. P. O. under date of the 2nd of May. Another passage runs thus: "Our desires are no more than are already laid down: the substance of former laws, with some explanations, illustrations and modest provisions for execution and performance. We have not yet agreed on a bill."

pressure, to break down or to weary out a resolution which he did not yet know to be more persistent and more powerful than the duke's or than his own. Cooke had it now in charge to say, that his intention was to govern according to the laws and customs of the realm, to maintain his subjects in their liberty and property, and to rectify what had been found amiss; but he would have no encroachment on that sovereignty or prerogative which God had put into his hands for their good; and in what they were about, therefore, they were to contain themselves within the laws of their forefathers; it being his purpose not to give way to any attempts at straining these, or enlarging them by new explanations or additions in any sort. There was little more time, he added, for the session must close on Tuesday se'nnight (the 13th of May); but he meant to call them together again at Michaelmas. The message was heard in silence; and the house immediately afterwards arose. Order had before been made for completion of the address to the king.

Eliot opened the debate next morning. He went over the several points of the king's message; and fixing attention on what had been said as to their not encroaching upon the sovereignty which God had put into his hands, he drew from it the inference that there were those among them who made it their business deliberately to misinform the king as to what they went about. That was a ground for their worst fears. It rendered necessary some enlargement in their address, in order so to place it before his majesty that he should be satisfied they were claiming no new thing. If the session was indeed to close as threatened, their time was short; "and look," exclaimed Eliot, "how many messages we have!" He looked himself to where the privy councillors sat,\* as he added: "and these messages are produced by exactly so many inter-

\* This is the remark of one of the manuscript reports.

“ ructions, misreports, and misrepresentations to his  
“ majesty ! ”

At the close of the debate ; in which, upon the hint thrown out by Eliot, further warnings against the threatened breach of their sitting were given to the ministers present, with sharp intimations of responsibility, Sir William Fleetwood\* in especial speaking with much warmth for a bill ; the address to the king was voted in terms of profound respect but unalterable resolve. It thanked him for his many comfortable promises and gracious offers ; expressed themselves as ready to trust his royal word as ever a commons' house had been to repose in any of their best kings ; declared that in the bill they contemplated for securing public rights and liberties against recurrence of public wrongs from ministers of the crown, they had no intention in any way to encroach upon the crown's sovereignty or prerogative ; promised that they would limit themselves to what it was fit for loyal subjects to ask and for a just king to grant ; and gave assurance that no time should be lost in completing what they had then under serious consideration as the way to these objects. It was delivered to the king in the lords' house on Monday the 5th, when the lord-keeper made reply to it. He was commanded to tell them that his majesty had expected answer by actions, not delay by discourse. If they had confidence in him, what need of a new law to confirm the old ? He had given his royal word that thereafter they should have no cause to complain ; and what more could they ask unless they doubted his performance ? Yet to show clearly his sincerity, he was now content *that a bill should be drawn* for confirmation of the great charter and the other six statutes, so that it might be “ without additions, paraphrases, or explanations.” Already Charles knew that this condition had been under debate and rejected : but in yielding as in

\* Misalled Miles in the reports. Sir Miles, formerly a zealous speaker (*ante*, i. 97), served, but does not appear to have spoken, in this parliament.

resisting he showed the same childish obstinacy ; he could not consent to a bill unless the bill were to be made ineffective ; and in the very act of recommending them to rest upon the sincerity of his royal word, he was giving them the most convincing proof that no faith could ever be placed in it.

Little more than twelve hours had passed after this show of giving way to their desire for a bill, when Secretary Cooke went down to implore them once more to waive that desire, and to take the preferable course of relying on the royal word ! It would be very much more to their advantage. Let them but discuss it fairly. And let the debate be taken as they then were, in the presence and under rule of the house ; and not by turning themselves into committee. The course objected to by the secretary was a favourite one with the leaders, and had been found a special advantage since discovery of their present Speaker's eagerness to make himself the tool of the court, and use the forms of his chair to interpose delays. Promptly after the secretary, therefore, Eliot rose to move that notwithstanding what the worthy gentleman had said to them they should presently resolve themselves into committee. The proceeding in a committee, upon such a question as had then arisen, was more honourable and advantageous both to the king and the house. It was the way that led most to truth. It was the more open way. It admitted of every man's adding his reasons, and making answer upon the hearing of the reasons and arguments of other men.\* And so, the old reporter adds, " this being the general sense," the house moved itself into committee ; and, the door being locked, the key brought up, and order given that none should go out without leave, the debate began. It was to settle finally whether the bill, of which the draft had been reported to the house on the previous day from the committee of lawyers, was to be proceeded

\* *Rushworth*, i. 557.

with, or they were to lay it aside and be content with the king's word.

Sir Nathaniel Rich said he should be very well content with it, if he only knew what it was to be given for. If a man far more sufficient than himself were to promise in general terms to pay him a sum of money, he should decline to take him at so indefinite a word; but if the promise were to pay a hundred pounds, he would take him gladly. God forbid they should refuse their king at his word, if they might certainly, particularly, and clearly know what the word was to ensure to them; but only a bill could tell them that. They had never received so many general promises for observance of the law, and the law had never been so ill-observed, as during his present majesty's reign.

Several speakers followed, but Pym put the point most conclusively. He thought his majesty's oath at his coronation, binding himself to maintain the laws of England, was at the least as strong as his royal word could be; and since he had already given them his oath, what better would they be for his word? He would move therefore, and have it put to the formal question, whether they should take the king's word or no. Mr. Secretary upon this arose in great heat. He hoped they would not listen to that gentleman; for if the question should go against the king, he would be put to the dishonour of having it said in foreign parts that his people would not trust him. Further, he hoped that the gentleman would be called to account for upbraiding his majesty's oath to him, and would be made to expound himself. "Truly, "Mr. Chairman," said Pym, quietly rising after Cooke, "I am just of the same opinion I was, that the king's oath is as powerful as his word." Then, says the authority from which I derive this account, "Sir John Eliot moved also to have it put to the question, because, he said, they that would have it do urge us to "this point, for without being put to the question they

“certainly cannot obtain it.” This was decisive. No councillor in the house had courage enough to press it further, and in a few dignified words Sir Edward Coke closed the debate.

He rose with the draft-bill in his hand, the fruit of the now completed consultations at the Temple. It was drawn in the form, customary with declaratory statutes in the elder time, of a Petition reciting the law, and praying the sovereign for its future due and strict observance. It had been laid upon the table the preceding day. “We sit now in parliament,” said Coke, “and therefore must take his majesty’s word no otherwise than in a parliamentary way. Not that I distrust him, but that I can only in this manner take his trust. Messages of love never came into a parliament. His majesty’s assurances are very gracious, but what is the law of the realm? That is the question. Kings speak by records. Here hath been drawn, *more majorum*, a Petition *de droit*; and thus only should kings speak to their subjects. Sitting in full parliament, on his throne, in his robes, with crown on his head and sceptre in his hand, both houses present, and his assent entered upon record *in perpetuam rei memoriam*, THAT, and not a word delivered in a chamber or out of a secretary or lord-keeper at second-hand, is the royal word of a king.” And so was it finally resolved, by the English commons, that thus only their king’s word should be taken.

That was on Tuesday the 6th of May; and at two o’clock in the afternoon of the 8th, Sir Edward presented, at a conference with the lords in the painted chamber, the completed Petition of Right as it had passed through committee an hour before. Much had been crowded into the brief day’s interval. An attempt had been made that very morning to weaken the clause against martial law; but unavailingly. On the previous morning the solicitor-general had endeavoured to introduce a saving clause as

to commitments ; but without success. The petition as now handed in appears to have been substantially in the same form as the lawyers to whom it was referred at the close of April had presented it for acceptance ; but every step in its progress had been disputed by the privy councillors up to the very threshold of the chamber in which the houses met for conference. " I pray your lordships to " excuse us," said Coke. " Before this time we were not " able to attend your lordships, for we have been till one " of the clock about the great business. But, blessed be " God, we have dispatched it in some measure, and I hope " it will prove to us all to be a great blessing." The old man then, after some preliminary remark which will more properly be noticed in the next section, read it to the lords.

It began with the ancient safeguards and essential privileges of the subject against arbitrary taxation. The statute of Edward the First *de tallagio non concedendo*, protecting him from every tax not imposed by authority of parliament, was cited first. Then the act of Edward the Third, declaring compulsory loans to be against reason and the franchises of the land. Then the statutes against charge or imposition under the name of benevolence. After which it was declared that notwithstanding these securities against any forced contribution on the subject without common consent in parliament, divers commissions had of late been issued, with instructions " by pretext whereof " the people had been required to lend to the king ; had had administered to them, upon refusal, " an unlawful " oath ; " and ultimately had suffered divers forms of imprisonment and restraint, against the laws and free customs of the realm.

The old securities for personal freedom against arbitrary commitments were in like manner next appealed to. First, the statute called the Great Charter of the liberties of England ; by which no freeman might be taken, nor imprisoned, nor disseised of his freehold or his liberties or his free

customs, nor be outlawed or exiled or in any manner destroyed, but by lawful judgment of his peers, or by the law of the land. Then, the statute of the 28th of Edward the Third; by which no man of what estate or condition he should be might be put out of his land or tenement, nor be taken or imprisoned or disinherited or put to death, without being brought to answer by due process of law. After which it was declared, that nevertheless, against these and other the laws of the realm, divers of the king's subjects had of late been imprisoned without cause shown; and when brought by habeas before the judges, and their keepers commanded to certify the causes of their detainer, no cause had been certified but that of his majesty's special command signified by the lords of his council; whereupon, without being charged with anything they might make answer to, they were returned back to their several prisons, against the law.

Billeting of soldiers and sailors on the people, and martial law in time of peace, occupied the succeeding clauses; which, after citing the laws that should in this respect have guarded the subject, described the various commissions that had issued under the great seal, inflicting wrong and vexation on peaceful inhabitants, and by pretext whereof some had been by the commissioners put to death, when and where, if by the laws they had deserved death, by the same laws also they might have been, and by none other ought to have been, adjudged and executed; all which had been directly contrary to the statutes of his majesty's realm.

And then came the simple and noble words which to all the foregoing were to give binding force.

"They do therefore humbly pray your most excellent majesty, that  
"no man hereafter be compelled to make or yield any gift, loan,  
"benevolence, tax, or such like charge, without common consent by  
"act of parliament. And that none be called to make answer, or to  
"take such oath, or to give attendance, or to be confined, or otherwise  
"molested or disquieted, concerning the same, or for refusal thereof.



“ And that no freeman may in such manner as is before mentioned be  
 “ imprisoned or detained. And that your majesty would be pleased  
 “ to remove the said soldiers and mariners, and that your people may  
 “ not be so burthened in time to come. And that the aforesaid com-  
 “ missions for proceeding by martial law may be revoked and annulled ;  
 “ and that hereafter no commissions of like nature may issue forth to  
 “ any person or persons whatsoever to be executed as aforesaid, left by  
 “ colour of them any of your majesty’s subjects be destroyed and put  
 “ to death, contrary to the laws and franchises of the land.

“ All which they most humbly pray of your most excellent  
 “ majesty as their rights and liberties, according to the laws and statutes  
 “ of this realm. And that your majesty would also vouchsafe to de-  
 “ clare, that the awards, doings, and proceedings to the prejudice of  
 “ your people in any the premises, shall not be drawn hereafter into  
 “ consequence or example. And that your majesty would be pleased  
 “ graciously, for the further comfort and safety of your people, to  
 “ declare your royal will and pleasure that in the things aforesaid, all  
 “ your officers and ministers shall serve you according to the laws and  
 “ statutes of this realm, as they tender the honour of your majesty and  
 “ the prosperity of the kingdom.”

Such was the proposed statute, which, though not yet passed through their house, the commons now submitted for acceptance by the lords. It appears to have been the usage where a bill took this form, that neither house should have seen it through its final stage, before both had agreed upon its terms by previous discussions in conference. What had transpired after the last division upon it in the commons formed no part of the business of the present conference. But it was known, though not reported, that the commons simultaneously had ordered a bill for the five subsidies to be prepared ; and that, while fixing also the exact periods for payment of them, they had further given direction that the preamble of the bill should make those payments conditional on the previous grant of the Petition.\* So fenced and guarded on every side against the shallows and quicksands known to be

\* See *Commons Journals* (Thursday, 8th May) i. 893. The periods were to be, for the first and second subsidy, the 10th of July following ; for the third, the 20th of October ; for the fourth, the 20th of December ; and for the fifth, the 1st of March, 1628-9. See also letter in the *Birch Transcripts*, *Mede to Stuteville*, 10th May, 1628.

awaiting it, they had launched their great venture. No remark was made after Coke ceased. The hope that there might be a good concurrence between lords and commons had drawn forth no reply. The managers withdrew to their respective houses in silence ; as men might do upon the eve of a conflict they would fain have avoided or warded off, but into which they too well knew they must be drawn by influences above and beyond their controul.

#### IV. CONFLICT OF THE HOUSES.

Writing to the king's sister as early as the 14th of April, the day when the judges were in attendance on the lords, Netherfole told her of an impression prevailing in the lower house that "the business with the lords would be the crisis."\* Already it was known that several new peers' writs had gone out, and more were expected.

The anxiety of the commons' leaders to avoid a collision was beyond all doubt. In the middle of the first debate of the lords upon the four propositions sent up to them, when, after speeches that occupied an entire day, there had been voted one resolution that the power to commit existed, and a second that there was to be no commitment without cause, but upon a third, and most important, as to whether the cause should be expressed in the warrant, the lords had been unable to come to a conclusion ; the other house first took the alarm. It seemed next to certain that the king would have a majority ; and it was at once voted to send up a message desiring that if the lords had yet any scruples as to the legality of the propositions submitted, they would be pleased to afford another conference for the clearing of all doubts before they went to sentence. "This message," writes a member of the commons, "was

\* MS. S. P. O. Netherfole to the Queen of Bohemia. 14th April, 1628.

"delivered in the very heat of the debate; and had it not come so seasonably, they say for certayne the lords had voted our question, and that the plurality would have been against our determination."\* Its effect was so far to strengthen the minority, who, under the leadership of Lords Bedford, Say, Warwick, Essex, Lincoln, Clare, and Bolingbroke, had stood up gallantly and steadily "for the confirming of the resolutions of our house," that the second day's debate, "after a long and hot disputation, which lasted till past five of the clocke," ended in the evasion or compromise already described, and in the grant of a further conference.†

But, during the two days of its continuance, fresh intrigues were on foot, and a renewed pressure put upon the lords, of which the result was their delivery to the commons' managers, on the 25th of April, of the five counter-resolutions. Honest archbishop Abbot was spokesman; and in his frank guileless way, appears to have given open expression to the feeling with which consent to this retrograde step had been yielded by the section of the house to which he belonged, and to which, unhappily for the good report they might else have won in this business, his right reverend and intriguing brother of Lincoln also still professed to belong. Abbot was here the unconscious tool of Williams, to whom the duke's enmity had of late disposed him favourably; and by whom another popular member of the episcopal bench, Hall, lately made bishop of Exeter,‡ had also been drawn

\* MS. S. P. O. Same to same, 22nd April, 1628.

† *Ibid.*; and see *ante*, 160.

‡ Hall had already refused the bishopric of Gloucester when, during the past year, he consented to take this 'western charge,' to which May and some of the members of the council not in Buckingham's confidence had recommended him. He says himself that he would have been "defeated of it if the duke of Buckingham's letters, he being then in France, had arrived some hours sooner:" and he explains the reason. "I entered upon that place, not without much prejudice and suspicion on some hands; for some that sat at the stern of the church" (he means Laud, who always disliked him vehemently) "had me in great jealousy for too much favour of puritanism." *Observations of some specialties of Divine*

into the same support of the five resolutions, doubtless for the same reason. "We have resolved of nothing," he said; "we have designed nothing, nor determined nothing; but desire to take you with us, praying help from you as you have done from us." This was a view indeed only too favourable of what their lordships had resolved. The form given to the propositions was "that his majesty would be pleased graciously to declare" what the five severally suggested. The first, that the great charter and the other statutes were still in force. The second, that every subject had a property in his goods and liberty of his person. The third, that it was his royal pleasure to confirm all existing just liberties. The fourth, that in all cases within the common law concerning the subjects' liberties, his majesty would proceed according to the common law. And the fifth, that if it should have been found necessary for reasons of state to commit any man, his majesty within "a convenient time" would express the cause.\*

They were discussed by the lower house on the 26th, and promptly laid aside; but not until Selden, in a few short sentences, had thus with an exquisite skill delivered his opinion. "Our resolutions *were law*; but "their lordships propound what they *would have to be law*. I think there is not one of the five proper "to be asked. The three first are of no use; the

*Providence in the Life of Joseph Hall*, lxiv. The letter which Hall was induced to address to the commons on the day of the debate (28th of April) which closed in their resolution to be content with nothing short of a statutory declaration of their liberties, was in the form of a passionate entreaty that they should have confidence in the king's word. Very different is the tone of it, however, from that of more servile counsellors. "If you love yourselves and your country," writes this good man, "remit something of your own terms; and since the substance is yielded to your noble patriots, stand not too rigorously upon points of circumstance. Fear not to trust a good king. While parliaments live, we need not misdoubt the violation of our freedom and rights." Fuller's *Ephemeris*, 158. This was the language of an honest man, though a mistaken one.

\* *Rushworth*, i. 546. *Parl. Hist.* viii. 73-75. Fuller's *Ephemeris*, 153.

“ fourth we have already ; and the fifth is not fit to be  
“ had at all. Who doubts whether magna charta be  
“ in force or no, when there have been thirty confirma-  
“ tions of it, each at the least surer than the declara-  
“ tion we should get by the first of these propositions.  
“ From the second, I know not what we should gain.  
“ Who doubts of our property ? I never heard it denied  
“ *but in the pulpit*, which is of no weight. For the  
“ third, none can tell what it would produce, but it is  
“ not fit we trouble his majesty with it. The fourth is  
“ not proper to be asked, since it lies not with us to say  
“ that his majesty ever proceeded but according to law.  
“ There were indeed commitments, but the courts of  
“ justice were open for the parties to seek justice ; and  
“ if anything, there, were done against the law, we say  
“ the fault is with them who sit there. For the fifth, if  
“ we ask it parliamentarily, we shall by such a law  
“ destroy our fundamental liberties. What is con-  
“ venient time ? Who shall judge of it but the judges ?  
“ From such a clause no man is exempted, and I would  
“ fain see if any person by it might not be committed  
“ at pleasure. In time, at this little gap, every man’s  
“ liberty would go out.” This brief speech\* seems to  
me a masterpiece of keen clear sense and terse expres-  
sion.

Of the proposals nothing more was heard until the conference for presentation of the Petition of Right, when Coke, with obvious desire to raise no further debate, made a quiet reference to them. It was fit he should give their lordships a reason, he said, why they had heard no sooner respecting their five propositions. But as, during and after the debate of them among themselves, they had received from his majesty exactly the same number of messages ; and as the messages were categorical, and the propositions but hypothetical ; they

\* It is not in the ordinary parliamentary histories, but will be found in *State Trials*, iii. 169-170.

had remembered the *quia in præsentia majoris cessat potestas minoris*, and laid the lesser aside.\*

Next morning the lord-keeper reported the conference, and the discussion of the Petition in the upper house began. It continued through that afternoon and the whole of Saturday; and they were little more advanced at the end than at the beginning. They had agreed to suggest an alteration of some words in the bill, and the substitution of certain other words and phrases;† but, after eight hours uninterruptedly bestowed on the commitment clause, they had accomplished but the lame conclusion, upon a motion of bishop Williams, of referring it to a select committee to consider whether anything, not altering the sense of the Petition, might be so varied therein as to invite and justify from his majesty a gracious answer. All the craft in this suggestion was probably not seen by those who yielded to it; but the position between the two parties in the lords assumed thenceforward by its author, the ex-lord-keeper, is revealed by it plainly.

His biographer Hacket has indeed not scrupled to give us the means for describing it in curious detail. By the minute, incessant, and very whimsical admiration with which he pursues his hero's progress, we are able to follow each step of the stealthy way by which this unrivalled master of intrigue was now advancing to the object of his desire. We see him at the outset, in spite of the duke's prohibition against his further attendance

\* *Lords Journals*, iii. 786. Here alone Coke's speech is correctly given. See also Fuller's *Ephemeris*, 174-5. *Rushworth*, i. 558. *Parl. Hist.* viii. 109.

† See *Lords Journals*, iii. 788, 803; *Commons*, i. 897, 901; *Rushworth*, i. 559; and *Parl. Hist.* viii. 143 and 147. The alterations, as the lord keeper explained, were "not in substance, but to make it passable." The majority however, as will shortly be seen, were rejected. Those that were adopted comprised merely the substitution of "*means*" for "*pretext*"; and of "*not warrantable by the laws and statutes of this realm*" for "*unlawful*," in passages that will be found *ante*, 191. The commons nevertheless, as Eliot will be found hereafter to state, contested even these words hardly before they consented to surrender them.

as a spiritual peer, forcing himself into his seat by dint of repeated assurances, that "he looked upon the king's affairs *with a desire to help him*."\* Then we see, by successive stages of advance, what the help was of which he had held out such tempting promise. First, by his care, while offering his aid to remove public grievances, not to "allow any censure to be cast on his majesty or his government."† And next, by his pains to win praise "for a dexterity eminent above any of the peers to please all parties."‡ Thus, upon the Duke of Buckingham's over-eagerness "to stop the Petition," and unwise "interfering with the lord privy seal, and other great officers to repulse it with all main," the bishop brought in his own wiser interposition to "promote the Petition."§ Thus also, upon his majesty's indiscreet letter to the lords of the 12th of May, in such manner did the bishop handle it by argument, that "its concessions were waved as unsatisfactory."|| But again, while the movers of the Petition were praising the bishop, he was by that very means enabled to become, on the other hand, such a great stickler for an addition that it might come to "the king's hands with a mannerly clause," cutting out of it all its virility, that "this caused the bishop to be suspected, as if he had been sprinkled with some court holy-water."¶

A suspicion that might almost seem to have had some truth in it, when it became noised about that the right reverend the ex-lord-keeper had "had the favour to kiss the king's hand, and to have words both with his majesty and with the duke in private"! \*\* But even this was not his whole reward. There followed what his enthusiastic biographer calls a very "jubilee to our bishop," when "he had a very courteous interview with the lord duke, at which his grace had the bishop's consent with a little asking, that he would be his grace's

\* *Scrinia Referata*, ii. 72.† *Ibid.* ii. 73.‡ *Ibid.* ii. 74.§ *Ibid.* ii. 77. || *Ibid.* ii. 78.¶ *Ibid.* ii. 77.\*\* *Ibid.* ii. 80.

"faithful servant in the next session of parliament, and  
 "was allowed to hold up a seeming enmity, and his own  
 "popular estimation, that he might the sooner do the work."\*  
 Such precisely was the game Williams now was playing.  
 Words could not say it with a nicer exactness. A  
 professed partizan of the popular interest, he was in  
 such wise before the lords upholding the Petition of  
 Right as to satisfy its cruelest enemy. Less with declared  
 antagonists than with traitors disguised as friends, its  
 authors had now to do battle; and from their own ranks,  
 under their own colours, the heaviest blows were to be  
 dealt against them.

At the next sitting of the lords, Buckingham delivered  
 to them a letter from the king of which the drift was to  
 hasten their debates, by telling them first that parliament  
 had not many days to sit, and next that they were to  
 abandon all hope of his majesty ever consenting to give  
 up the power of imprisoning without showing cause. Such  
 a concession would in his view dissolve the foundation  
 and frame of the monarchy. He took large credit to  
 himself for having permitted "the highest points of his  
 "prerogative royal" to be debated at all; he had no  
 intention to abrogate or weaken the great charter and  
 the other statutes; and he was willing to promise never  
 in future to imprison anybody merely for refusing to  
 lend him money: but further than this he could not  
 possibly go. The letter was immediately sent to the com-  
 mons, and, says the old reporter, "on the same day †  
 "when it was communicated they laid it aside." Not  
 however until Eliot, seconded by Sir Francis Seymour,  
 had divided the house upon the question whether it  
 ought not to be formally returned to the lords as un-  
 parliamentary. The ground taken by those of their own  
 party who joined the privy councillors in resisting this,  
 and helped them to a majority of 38 in a house of 370  
 members, appears to have been a reluctance to lose

\* *Scrinia Referata*, ii. 80.

† *Rushworth*, i. 561.



time by the dispute it might occasion.\* As to the letter itself there was no disagreement among the leaders. The quiet contempt which characterises the only remark respecting it that has come down to us from the brief debate it led to, appears to express their feeling thoroughly. "This," said Wentworth, "is a letter of grace; but the people only like of that which is done in a parliamentary way. Besides, to debate of it would spend much time. Neither is it directed to the house of commons. And the Petition of Right will clear all mistakes such as are now given out. As if this house went about to pinch the king's prerogative!"

Both houses meanwhile were in full conference upon the eight various passages suggested for alteration in the Petition, and also upon the suggestion of Williams for that kind of "mannerly" accommodation whereby, as he put it, not in sense but in seeming, some addition might be made to satisfy the king. To neither would the commons in any degree commit themselves. Though Williams for the time had laid asleep suspicion by unscrupulous attack on the king's letter,† in the other and more desired direction he had as yet effected no advance. Whether for addition or alteration, even of single words, the commons bluntly told the lords in conference that

\* *Commons Journals*, i. 897. It is noticeable that though Eliot and Seymour were thus overruled, concession was so far made to them that order was expressly given to empower the commons' managers, at the conference then in progress, to state distinctly to the managers for the lords that the king's letter had been laid aside *because* it was unparliamentary.

† Hacket (*Scrinia Referata*, ii. 77-78) describes in detail Williams's speech or "gloss" upon the king's letter, which as to nearly every point had the appearance of being sufficiently uncompromising. As for instance, when the king had suggested that some causes for commitment might be such that the judges had no capacity of indication or rules of law to guide them: "what can those things be," asked the bishop, "which neither the king's bench nor star-chamber can meet?" Again, where the king protested that neither he nor his council would ever go contrary to the laws and customs: "not the council table," replied the bishop, "but the appointed judges, must determine what are laws and customs, and what is contrary to them." And so throughout. It was by such pretences the bishop won so much of the confidence of the popular leaders as he was afterwards able to use in his attempt to defeat and betray them.

they must wait for better reasons. They refused altogether to admit of modifications that might dispense with a mention of the king and the council in connection with the late illegal practices. Where the refusers of the loan were described as examined before the council, the lords would have substituted "at London." Where his majesty himself was said to have given order, the lords would have had "some superior order alleged." Where the demand for the loan was referred to, the lords would have interposed "upon pressing and urgent causes of the state." But the commons were inexorable. As to the last they shrewdly remarked that to insert such words might infer a tacit admission that urgent occasions would excuse illegality. They conceded only the change of the two words, "pretext" and "unlawful," and this with the greatest reluctance.\* Indeed, said old Coke, but that they had voted the bill at committee, and as yet not in their house, they would not have entertained as even possible the most minute alteration.

It was during this intercourse of the houses, and while yet the dispute was vague and threatening but had taken no specific form, that Wentworth made one of those sudden displays of energy and eloquence which seem to have moved, among those with whom he was at present acting, not more of admiration than of misgiving. If into one section of his listeners they struck terror, the joy they gave to the other had also its accompaniment of dread. They seem to have felt he did protest too much. He declared now that if he did not faithfully insist for the common liberty of the sub-

\* See *Lords Journals*, iii. 788, 803. *Commons Journals*, i. 897, 901. Six suggested alterations were rejected. For the two adopted, see *ante*, 191 and 198. The commons only consented at last to give way to the urgency of the representations made that "*unlawful* was too high and rigid. "*Unlawful* may be against the law of God, nature, and reason. It may "be understood as against the law divine and moral." Their sovereign was to be protected against this! They made strenuous endeavours to save him also in the matters of billeting and martial law, but as to those the commons were inexorable.

ject to be preserved whole and entire, it was his desire *that he might be set as a beacon on a hill for all men else to wonder at!*\* Nevertheless, only a few days have yet to pass before Eliot will be found repeating to him in his presence these words, to which that short interval will have given a strangely altered significance. It is certain that when he uttered them Williams had begun to cast his spells; and it seems probable that such an outburst was meant less for succour or help to the commons than for warning to the duke and king. The time at last was imminent wherein they would have to make their final and unalterable decision as to Sir Thomas Wentworth.

Four days thus had been occupied when Williams's committee reported to the lords that they had agreed on the desired addition for accommodation of what was in dispute between the houses, and on the 17th of May the celebrated clause, drawn up by the bishop, was voted to be referred to the commons. It was in these words, "We humbly present this petition to your majesty, not only with a care of preserving our own liberties, but with due regard *to leave entire that sovereign power* wherewith your majesty is entrusted, for the protection, safety, and happiness of your people." The chief representatives of the commons at the conference when the lord-keeper, attended by Williams and others, handed in this proposed addition, were Coke, Selden, Hakewell, Eliot, and Wentworth; and no remark was afterwards reported to either house as having fallen then from any of them. But as soon as the clause was laid on the table of the commons its doom was sealed. It was debated in the afternoon of the same day, and from the first there was not a hope for it. At no period in the struggle is any more striking example afforded of the capacity of the men in whose hands were now the liberties of England, than this of their keen vision in detecting, and

\* MSS. at Port Eliot. The speech will shortly be given.

prompt determination in defeating, a covert attack prepared with infinite labour and ingenuity, and masked under many friendly professions. A more remarkable debate is not recorded in history.\*

Alford began it by asking what sovereign power was? Bodin† had said it was a power free from any conditions. Were they to acknowledge, then, a regal as well as a legal power? For his own part he was for giving to the king what the law gave him, and no more. Pym followed. "I am not able," he said, "to speak to this question, for I know not what it is." And then he condensed into three brief sentences all that anyone needed to know of it, or of what it might carry along with it. "All our petition is for the laws of England, " and this power seems to be another power distinct " from the power of the law. I know how to add " sovereign to the king's person, but not to his power. " We cannot *leave* him a sovereign power, for he was " never possessed of it."‡ To him succeeded Hake-well. This great lawyer, as we have seen, in his supreme confidence that what they claimed was simply what the laws already gave them, neither infringement of old prerogative nor acquisition of new liberties, had been willing to propitiate the king by limiting the petition to the ancient statutes, and omitting the four commons' resolutions; but though he was ready to front that danger, he shrank from the greater danger of

\* It will be found in *Rushworth*, i. 562-564, and in *Parl. Hist.* viii. 118-122.

† Bodin's book was an original and very able one; and among the papers of Eliot I have found many evidences, of which some will hereafter appear, of the interest with which he had studied it, and of its influence on his opinions. It was first published in French in 1576, and ten years afterwards in the Latin form by which it became best known (*Joan. Bodini De Republicâ Libri Sex*). Bodin's conclusion for a purely monarchical form of government is disputed by Eliot, who nevertheless praises his learning and philosophical reflection as having guided himself to sounder beliefs than those which his treatise was intended to establish.

‡ In *Rushworth's* report of this debate (i. 562) there is a grave misprint of "we were" for "he was." The latter is the obvious sense.

interposing any "saving" to either the statutes or the resolutions explaining them. It would be applicable to all the parts of their Petition. By it they would imply that in other parts they had been encroaching on prerogative. "All the laws we cite are without a saving; yet now, after the violation of them, must we add a saving? I have seen divers petitions where the subject claimed a right, yet there I never saw a saving of this nature." To the same effect spoke Noye, so soon to be drawn over to the councils of the king. In his view it would be fatal to add a saving. Doubtful words might beget ill construction; and the suggested words were not only doubtful but unknown to parliament, and never before used in any act. A speaker followed next, whose conversion was yet more imminent; around whom, indeed, the web of the arch-intriguer was even now effectually woven; and who here spoke his last speech for the liberties of England. "If we admit of this addition," said Wentworth, eager and impulsive to the last, and saying what more wisely he might at this hour have forborne, "we shall leave the subject worse than we found him, and we shall have little thanks for our labour when we reach our homes. Let us leave all power to his majesty to punish malefactors. These laws\* are not acquainted with sovereign power. We desire no new thing. We do not offer to trench on his majesty's prerogative. From this our Petition we may not recede, either in part or in whole." Alas! that the sequel illustrates so ill the singleness and constancy of patriotic purpose, that should accompany so much greatness of intellect and power of giving it expression.

Coke and Selden closed the debate, in which, if Eliot spoke, his speech has had no record. It might seem a small matter, said Coke, but it was *magnum in parvo*. To speak plainly, it would overthrow their Petition. It trenched to all parts of it. It flew at loans, at the oath,

\* He means the laws confirmed by the Petition of Right.

at imprisonment, at martial law, and at the billeting of foldiers. It turned everything about again. Nay, it even weakened the great charter, and all the statutes. They were absolute, without any faving of fovereign power; and if this were now to be added, it would weaken the foundation of law on which their liberties refted, and the building itfelf muft fall. Their predeceffors in that houfe never could endure a *salvo jure fuo* any more than their kings of old could endure from the church the *salvo honore dei et ecclefie*. They muft not, then, themfelves admit of it. To qualify it was impoffible. Prerogative was part of the law, but fovereign power was no parliamentary word. Let them hold their privileges according to the law, and take heed what they yielded to. "Magna Charta is fuch a fellow " that he will have no fovereign."

In all that carried conviction and warning, the fpeech of Selden was not lefs fupreme. With his prodigious learning he dealt even heavier blows at the pretence that with what they had claimed really as of right, the propofed faving would not interfere. "If it hath no re-  
" ference to our petition, what doth it here? I have  
" made that fearch that fully fatisfies me, and in the  
" many petitions and bills of parliament in all ages I  
" am fure that no fuch thing is added." He went, one by one, through thofe great statutes, pointing out fuch as had favings of any kind, and the particular fignificance in each cafe; but none had he found that yielded liberties to the fubject, and faved their operation. "What!" he continued, "fpeaking of our own rights  
" fhall we fay, we are not to be imprifoned *faving* (that  
" is, but by) the king's fovereign power! Say that my  
" lands be feized in the king's hands without any title of  
" his, and I bring a petition of right, and I go to the king  
" and fay, I do by no means feek your majesty's right,  
" I fet forth my own, but I leave entire your majesty's,  
" and where would be the ufe of my petition?"

For one precedent alleged, there had been indeed a show of warrant; but under the flood of light which Selden's learning now threw upon it, its aspect changed, and it stood no longer for guidance, but for warning. An historical anecdote so striking closed the debate impressively, and with an appropriateness of which the entire and wonderful force will be felt hereafter.

To this effect it ran. Of the *salvo jure coronæ regis*, whereof they had heard much,\* there was but one example. It was in the reign of the first Edward. Great stir had there been at that time about confirming the articles of the charter, and at the end of the parliament the commons succeeded in obtaining, by petition, the liberties desired. No saving accompanied them. But when parliament was dismissed, they were extracted out of the roll and proclaimed abroad, and then, only then, was added the *salvo jure coronæ*! How this came to be known, though that year's parliament roll had perished, was that happily in the library at Oxford there was a journal of the year naming it; and that the Cambridge public library possessed also a manuscript, saved from one of the abbeys, confirming the Oxford journal. The addition could only have been made in the proclamation, for in the bill there was certainly no saving. But when the people of London heard or read the clause, there was a shout of " execration ;" and the great earls, who had gone away from parliament satisfied with their work, hurried back and went to the king, and the matter had to be cleared at the next parliament. Thus did Selden foreshadow the faithless course which so soon was again to be practised with the same results, though the parallel, strangely enough, has escaped the notice of all the historians.

From that 17th of May, eleven days were to pass before the lords consented to surrender the clause or to

\* The reader will remember Bagg's use of it, and also Laud's. *Ante*, 90 and 175.

act again with the commons, and the interval was filled with repeated conferences, underneath which ran currents of incessant intrigue, while means the most unscrupulous were resorted to for putting both houses under pressure. At the conferences the great effort made was to show the proposed addition to be harmless. What, it was argued, could the use of the word "leave" mean, but to give the king only what was his before? Did not the limiting "sovereign power" by the relative "that" show that not such power in general was intended, but only a special power given for the safety of the people, such as could never grieve any man? And if the house were sincere in their frequent avowal of no intention to diminish the just power of his majesty, how could the expression of it in their statute prejudice them?—To all this the reply was not difficult. Nothing could so lessen the force of the word "leave" but that in a petition it must operate as a "saving" would in a grant or statute; and as a man saved the rest when he granted but a part, so in petitioning to be restored to but a part he left the rest. Neither could the effect of "that" or any particle be to make exception for only such sovereign power as "that" with which the king was entrusted for his people's safety, because no sovereign power could have being at all but for this object; and the addition, so far from being separable from the petition, would always be referred afresh to each part of it; as that none should be compelled to lend without common consent, unless by &c, and none should be imprisoned without cause shown, but by &c, and none should be compelled to receive soldiers, but by &c. It was true that their house had from time to time disavowed all intention to trench upon the king's just power; but the statutory expression of such intention now desired, instead of operating as a mere harmless repetition of that avowal, would be construed with the Petition in which it appeared as having reference to the



claims preferred in it,\* and used not improbably as an admission that they *had* therein asked for liberties incompatible with the just power of the king. Lastly, sovereign power was a thing wholly unknown heretofore to the statutes, and might not now without danger be set forth in statutory form.

I have thus condensed into a few lines what it took many days to argue, and many scores of pages to report.† The fourth distinct conference was in progress when the king sent to the lords to hasten their decision, as he was obliged to go to Portsmouth; on which followed two additional conferences on two successive days, neither of them bearing any fruit. Then, after the lapse of a few hours, another royal message was read in the lords, earnestly entreating that the business of the Petition might be resolved not later than that very day; whereupon, the day next after, a final conference was appointed.

The excitement, meanwhile, appears to have been very great. Never had such stir and agitation been visible in Whitehall or Westminster. All whom the council could controul in any way were kept in continued attendance, and as many as twenty-five bishops and archbishops were brought down to the house every day when the Petition was debated.‡ Men had been brought

\* Glanville, in one of the last conferences with the lords, said with unanswerable force: "The words *sovereign power* have either reference or no reference to the Petition: if no reference, then superfluous; if a reference, dangerous and operative upon the Petition." Admirably too he remarked of a particular word used in the clause. "*Entrusted* is a word of large latitude and deep sense. We know there is a trust vested in the king, but regulated by law: we acknowledge that, in penal statutes, the king may grant another power to dispense with the law: but Magna Charta, inflicting no penalty, leaveth no trust, but claimeth its own right. Therefore the word *entrusted* would confound this distinction."—*Lords' Journals*, iii. 814. Fuller's *Ephemeris*, 186. *Rushworth*, i. 572. *Parl. Hist.* viii. 131-4.

† Some of the speeches are in the *Ephemeris* (182-188), others are in *Rushworth* (i. 564-579), in the *Parl. Hist.* (viii. 123-141), and in *Lords' Journals*, iii. 813-820.

‡ Lists will be found in the *Lords' Journals*. Exactly twenty-five were

into the lords upon writs of summons, such as Sir Richard Weston, Sir Edward Conway, Sir Edward Howard, and Sir George Goring, before their titles were chosen or their patents prepared. Men already in the lords whose opinions were troublesome, and whom it was possible for a time to withdraw, were sent away under various pretences; and members of Lord Bedford's family complained of his having been ordered into his county upon a commission with which he was only to be made acquainted at his arrival there. Now above all was bishop Williams most active and subtle at those intrigues wherein his biographer goes so far as to say that he had proposed to include even Eliot,\* and that Wentworth had "spleened the bishop for offering to bring his rival into favour."† Those intrigues, too, which now upon his own confession we know to have had for their principal groundwork of success the belief of his sincerity on the popular side entertained still by many, were much assisted by the opposition to him of a few of the less dependent privy councillors. I learn this curious fact from the papers of Eliot; which have already shown us, from time to time, the attempts to resist Buckingham made by some of his colleagues in the council under the lead of Sir Humphrey May.‡ Thus, while the duke was secretly using all his influence to keep the lords steady to Williams's clause, others of the court did not scruple to whisper about that the king

present on the day when Williams's saving clause was reported (iii. 801), and the same numbers presented themselves on all the subsequent days of debate.

\* "The Earl of Bedford, one of the earnest ones for defence of the liberties, is lately commanded down into Devonshire whereof he is lieutenant; but he was not to know his commission till he comes there. "Whereat his family were much perplexed." Mede to Stuteville, 27th May, 1628.

† *Ante*, i. 285-7. *Scrinia Referata*, ii. 83. Hacket misdates this in placing it immediately after Buckingham's death, which had so far again changed the position of Williams as to close for that time his opportunities of intrigue.

‡ *Ante*, i. 216, 295, 353, &c.

had no liking for it; and this impression derived some strength from the fact of a new clause on commitments having been prepared as a counter-move by the attorney-general,\* upon the commons receiving Williams's so ill. Whether May was himself deceived cannot now be known, but he certainly told Eliot that the king disliked Williams's clause.

Against every influence that could thus be brought against them, avowed or concealed, the leaders of the lower house happily stood firm. Though some had fallen from their ranks, others who did not always act with them, drawn by their constancy and the justice of their cause, filled the vacant places. Sir Henry Marten was one of their representatives at the final conference; and, even thus late, Buckingham might have taken useful warning from the tone of this old judge and minister of the state. I have shown the confidence between him and Eliot which had survived the varied incidents of their early intercourse; † and further proof of this seems to be afforded when Marten, still chief judge of the department over which Buckingham is absolute lord, holds up for praise and example the forbearance of the commons in laying aside all personal wrongs or passions, and in

\* A draft of this, in Heath's very illegible hand, remains in the state paper office, sufficiently curious to have been worth the trouble I have taken to decypher it. It may be assumed to embody the latest concessions made in the name of the king. "That where any free subject is committed, detained, or restrained by the commandment of the king or his privy council, the true cause shall be expressed within [blank] months; and when the cause is expressed, he will be contented that his judges shall determine thereof in all cases where by the ordinary rules of law the same can be determined. But where the case is of that extraordinary nature that the judges of the law can not judge and determine thereof, but concerns the public government of the state, then such cause shall be truly expressed within [blank] months, and left to be determined by the judgment and discretion of the king and his council. And that in no case there shall be any pretence of matter of state, but where in truth it is soe." What the precise worth of the latter guarantee might have been it would have troubled even Sir Robert Heath to explain! See also the clause proposed the day before Williams's was presented to the Lords: *Lords' Journals*, iii. 799.

† *Ante*, i. 67-78, 335-337, 507-509, and ii. 104.

desiring only that the law should be re-affirmed, not that its violators should be punished. He reminded the lords in what way, upon much lighter provocation, their ancestors had acted. He asked them to contrast it with "the temper, mildness, and moderation" shown since the present parliament met, by men who had come up from their counties in extreme passion and distemper, with "their bosoms and their pockets full of complaints, and those every day renewed by letters and packets from all parts and quarters." He pointed out how unwise it was at such a time, when angry men said that the sovereign power had been abused and the most moderate men wished it had not been so used, to insist upon any saving of it in a bill for the protection of the subject. Finally he recalled to their lordships, accusations brought of old against men who had similarly abused that power, "condemnations, banishments, executions. But what have we said, all this parliament? We only look forward, not backward. We desire amendment hereafter, no man's punishment for aught done heretofore. Nothing to be written by us in blood; nay, not a word spoken against any man's person in displeasure! The conclusion of our Petition is, that we may be better treated in time to come. If a worm being trodden upon could speak, the worm would say, *Tread upon me no more, I pray you.* Higher we rise not; lower we cannot descend."\* Eliot's present position to Buckingham, contrasted with his past, is as clearly explained by this impressive warning, as the fact of its having fallen unheeded will explain the position we shall shortly see him reassume.

Not entirely without effect, however, had Marten spoken. A remark had dropped from him in referring to Williams's clause, to which attempt was made to give

\* Fuller's *Ephemeris*, 188-194. Rushworth has copied it, i. 579-584. This report is greatly superior to that printed in the *Parl. Hist.* viii. 134-141. See also *Lords' Journals*, iii. 818-20.

instant practical effect. He had called it good in itself, but ill in the place prepared for it; and, yielding to a temptation of rhetoric, had applied the famous illustration of the artist in Horace, "who when he had painted " the head of a man according to art would then join to " it the neck of a horse, and so mar the one and the " other, whereas each by itself might have been a piece " of right good workmanship." The lord-president, who managed the conference, caught eagerly at this. Will you consent to the addition then, as a substantive proposition, separated from the Petition altogether? The effect could only have been to invest the king with a power unknown to the law by which he might have claimed to override every law enacted; yet the proposal was not only formally submitted to the commons house that afternoon of the 23rd of May, but was there debated " as a new way of accommodation." It was a debate of extraordinary interest, and celebrated by an incident that makes it memorable in history. At its close the commons stood still firm, and unmoved.

One more agitating day, Saturday the 24th of May, and then the lords yielded. First drawing up a declaration for his majesty that their intention was not to lessen or impeach anything which by the oath of supremacy they had sworn to defend, they voted, upon condition of the alteration of the two words only, to join in the Petition of Right. Not without a loss had this gain been achieved. In that last debate Sir Thomas Wentworth had gone over to the court.

#### V. DEFECTION OF SIR THOMAS WENTWORTH.

It has never been doubted by any historian that, up to the close of the struggle for the Petition of Right, and until success was sure, Wentworth remained with the side he had chosen. To his admirers it has seemed indeed, that while others more or less were acting under

influences of temperament and character in the war they waged for "the great bulwark of the English liberties," *his* motives were so unmixed and pure, that when once this exclusive object of his exertion was gained, he could have no pretence for longer refusing to enter the service of the king.\* The truth however is, that of all the men engaged in this memorable conflict, though some who took a leading part were soon to go over to the court, Wentworth was the only one who went over before the end was gained, and threw up his arms in the very hour of victory.

This is not the place for discussion of the mixed and complex elements of which this remarkable historic personage was composed; nor does it fall within these pages to anticipate the time when his genius and his passions will have left their indelible stamp upon the land he governed. But into the narrower portion of his life which now only presents itself, much vivid light has here been thrown. Eliot's piercing glance has been upon him during the four parliaments in which they have sat together in the house of commons; and properly to understand his opinions and position on the day when he rose to counsel the abandonment of what till then he had strenuously upheld, will not be difficult. A brief retrospect alone is necessary.

Wentworth was born in the purple; not by the exclusive privilege that ancestry confers, or the vulgar accident of aristocratic connections, but by tendencies which nature

\* I quote from Doctor Knowler's dedication of the *Strafford Letters and Dispatches* to the earl's great-grandson. Speaking of the motives of those who won for their descendants the liberties secured by the great Petition, he remarks: "Sir Edward Coke might have his particular disgust, Sir John Eliot his warmth, Mr. Selden his prejudice to the bishops and clergy, and others farther designs upon the constitution itself, which might cause them to carry on their opposition: but Sir Thomas Wentworth, who was a true friend to episcopal government in the church and to a limited monarchy in the state" (not more true on these points, however, than Eliot, Coke, and Selden himself!) "could have no reason, when the Petition of Right was granted, to refuse to bear his share of toil and pains in the service of the publick."

had implanted in him, and which marked him out for predominance and command. While these had been strengthened by the associations of his youth, there was yet much at his entrance into life to check their development. As years went on, and he was able to balance and weigh the men who governed the state, there came to be mixed up with his own passion for the exercise of authority an almost fierce impatience of the authority to which he was called to submit himself. There came to rule him a master passion. He desired to be himself employed in the business of the state, and was eager to break down the barriers that intercepted his access to the sovereign. Very slowly and unwillingly the conviction seems to have forced itself upon him that, as long as Buckingham's influence should continue, this might hardly be. More than once his foot was on the threshold of the palace, when the favourite thrust him back. Already he had revealed himself too broadly; having shown, even in things trivial, that kind of over-ruling capacity from which the "gamefome" duke shrank aside with uneasiness and fear. Besides his possession of qualities, which, to a man so circumstanced as Buckingham, might well have commended such service as he could render, he had not been able to conceal an attribute, hardly definable, that seemed to make still insecure whatever allegiance he proffered. For he possessed also that by which distinctions of rank and place are levelled; which brings down the high and raises up the low; which, in the very act of maintaining authority, makes dangerous appeal beyond it; and which, for want of a better word, men agree to call genius. Buckingham did not venture to quarrel with him openly; but, at every fresh attempt to force his way into Whitehall, discountenanced and thwarted him.

The struggle between them continued up to the meeting of the last parliament of James. From that sovereign Wentworth received favours which, but for Buckingham, must have ripened into confidence and employment. In

1619 he was placed upon the council of the northern presidency.\* At the election of 1620, by his family influence, he brought in as his colleague in the representation of Yorkshire one of James's secretaries of state. In the summer of 1621, after his service to the court in that parliament,† he was stated by the newswriters to have been selected for the dignity of the peerage.‡ At the close of the year he was said to have chosen the title of Viscount Raby.§ Nevertheless he still remained Sir Thomas, though still in waiting on the king. At Christmas 1622 he was engaged in a personal mission upon the king's special affairs. || Yet at midsummer of the following year, Calvert had to interfere with his brother secretary Conway to obtain him even a deputy lieutenancy in his own county of Yorkshire; ¶ and though, when reply was made to this petition, Conway accompanied it with assurance that "his majesty did not pass by Sir Thomas "Wentworth without just praise,"\*\* Sir Thomas was nevertheless left without other notice; and upon the subsequent meeting of parliament at the close of that year, first voted in opposition to the court. The court itself having by this time gone into opposition, he could hardly be charged with inconsistency.

With the outcry against Spain, which then so suddenly and for so short an interval brought Buckingham into favour with the commons, Wentworth had no sympathy; and it was from him the only grave opposition came to the votes for support of a war against that power. This, as we have seen, brought him into collision with Eliot; and occasion has been taken to show the action

\* MSS. S. P. O. 10th July, 1619. The Earl of Cumberland's son, Henry Lord Clifford, Wentworth's first wife's brother, was at the same time placed upon the council.

† *Ante*, i. 94, 102, 279, &c.

‡ MSS. S. P. O. 9th June, 1621.

§ MSS. S. P. O. 19th January, 1621-22.

|| MSS. S. P. O. 21st December, 1622.

¶ MSS. S. P. O. Calvert to Conway. 4th July, 1623.

\*\* MSS. S. P. O. Conway to Calvert. 5th July, 1623.



of Williams's intrigues upon the antagonism that sprang up between them, and the way in which it varied and affected the relations of each of them to the favourite.\* There seems to be no doubt that these two great speakers stood in some respects apart and alone in the house by reason of the peculiar effects produced by their power in debate; and irrespective of the intrigues of Williams, it was natural that Buckingham should think of warding off Eliot's attacks by using his rival as a shield.† On the other hand, Wentworth's marriage with the Earl of Clare's daughter just before James' death,‡ had brought him, through her brother Denzil Holles, into nearer intercourse with the popular men in the lower house; and it has been seen that, though he gave and kept a promise not to join in any attack on Buckingham during the Oxford sitting, this did not prevent his so speaking against the policy of the court as to procure for him the praise of Eliot, and the compliment of disqualification for the parliament that followed.§

It is dangerous, in the absence of facts, to speculate as to motives or probabilities. But perhaps there is little hazard in affirming that Wentworth's experience in that first parliament of the new reign had not strengthened any desire in him to continue to act against the court. It is certain that the eager wish for employment in its service was again strongly displayed by him soon after the dissolution. He had in truth undergone many mortifications both at Westminster and Oxford. In Eliot, the fulness of whose ability then first displayed

\* See *ante*, i. 179-180, 231-233, and 279.

† *Ante*, i. 285-287.

‡ The date of Wentworth's second marriage was the 24th of February, 1624-5. *Straff. Disp.* ii. 430.

§ *Ante*, i. 285, and 423-424. It may be here worth while to state the fact, omitted when this subject was before adverted to, that one of the members so disqualified, Sir William Fleetwood, could not have given offence, for he had not even occupied a seat, in the parliament immediately preceding. This may have been done to give other than the real colour to the transaction as it affected the rest; or Sir William may have been held responsible for the offences of Sir Miles.

itself, he had encountered a genius not inferior to his own, and a spirit as resolute. Of the "clashings" and "cudgellings" between them, to which Hacket \* refers, and of which until now there has been no other record, I have been able to disinter and recover something; † and yet more will have been gathered from what Eliot has said so well in his memoir. The power that in future years was to raise Wentworth, and the pride that was to ruin Strafford, were shown in that sharp conflict for his seat, quite as discernibly as in the later and grander struggle for his life. In both he left unguarded to his assailants what might have given him the victory. ‡ Nor was the comparison which Eliot then so early and publicly applied to him, the "*in Senatum venit*," forgotten at the later time. Men might well remember it when they saw to what uses he had turned the parliament in Ireland. "He comes into the senate-house to destroy the senate." Probably Wentworth himself, when it was uttered, could not feel it to be harsh or false, whatever uneasiness he felt under a glance so keen and true. He was as ready then as afterwards, if the king would have accepted the service; to "vindicate the monarchy for ever from under the conditions and restraints of subjects." § Even before his old antagonist's death, not more than two months before Eliot perished in his prison, he was writing to Lord Carlisle of his determination to "inable the crown to subsist of itself without being necessitated to accept of such conditions as others may vainly thinke to impose upon itt." ¶

Who will doubt that such also were his thoughts and purposes when, exactly four months after that parliament

\* *Scrinia Referata*, ii. 82 and 83.

† *Ante*, i. 271, 279, and 280-1.

‡ See *ante*, i. 267, 269, 271-3, and 274-6.

§ *Strafford Disp.* ii. 60.

¶ MS. letter *penes me*: Wentworth to Lord Carlisle, 24th September, 1632. I find that Mr. Hallam also has quoted this passage from a tract in Lord Somers's collection.

was broken at Oxford, upon a rumour that Lord Scrope was leaving the Presidentship of York, he solicited through Conway that Buckingham would name him to the office? \* Previous approaches on the duke's part had seemed to warrant this advance, but it was not successful. The favourite had recovered himself after parliament dispersed; and the dread of Wentworth's friendship, less terrible only than that of Eliot's enmity, reclaimed possession of him. Nevertheless the lord of Woodhouse remained unresentful in Yorkshire. He was content to bide his time. "That Wentworth is an "honest gentleman," said the king, perhaps remembering in what courteous terms he had refused the loan,† when his name was pricked for sheriff in the royal presence at the council table; and these flattering words, sent him privately by Sir Arthur Ingram, had sufficed to keep him quiet. At the meeting of the second parliament, he sent up his friend Wandesforde to worry Buckingham, and folded up himself in what he called "a cold silent forbearance."‡ The duke would have done well to copy it. He preferred instead to strike a blow which all Wentworth's county witnessed, and which was terribly revenged.§ Buckingham knew thoroughly the man at last, when he saw, transformed suddenly from the petitioner for the Presidentship of York, the Petitioner of Right's most ardent supporter.

Whether the very ardour of the support may not also

\* MS. S. P. O. 20th January, 1625-6.

† See *Straff. Disp.* i. 29; and *ante*, 84.

‡ And see *Straff. Disp.* i. 32.

§ *Ante*, 99-100. Even as he sat in public court as sheriff a writ was put into his hands removing from him the office of Custos Rotulorum and giving it to Sir John Savile. "I could wish," he exclaimed to his countrymen who witnessed this insult, "they had forborne this service this time: a "place in sooth ill-chosen, a stage ill-prepared, for venting such poor, vain, "insulting humour! Nevertheless, since they will needs thus weakly "breathe upon me a seeming disgrace in the public face of my country, I "shall crave leave to wipe it away as openly, as easily! Therefore, shame "be from henceforth to them that deserve it!"—*Straff. Disp.* i. 33; and see what Heylin says, *Cypr. Anglic.* i. 184.

at the last have carried with it a strong element of sincerity, it is less needful now to discuss, than to observe that, once this course taken up, Wentworth obeyed but the law of his nature in following it out as he did. There was no middle way for him. The temptations to which the orator is prone, the dangers incident to even ordinary men under sway of a facility and affluence of speech, will suggest to the wisest judgment in such a case as Wentworth's the largest degree of consideration and charity.\* For the part he played in this famous parliament, a bitter retribution was deservedly exacted by his contemporaries; but we can afford at this distance to take into account what it was not their business to consider, and to say that here at least was no sordid apostacy, no vulgar case of ratting. So much has been shown in my brief retrospect. If this man had any passion as strong as that which from his earliest years impelled him to the service of the king, it was his impatience and scorn of the men about the court who for so many years had shut its doors upon him. A mortifying incident in his life brought these into sudden collision; and if, swayed for the time by masterless passion to the mood of what it liked or loathed, he lost the power of discerning clearly whither his rage was leading him, it was yet the true Wentworth who remained after this had cleared away: not the associate and fellow-patriot of Eliot, but the minister of Charles; not clear of the responsibility of having pressed into the service of his passions the interests and name of a noble cause, but not guilty of abandoning in a moment the settled convictions of a life, or of prostituting his nature, for the place-man's common bribe, to a deliberate lie. Nor do we need to question, that, so far as hitherto it had gone, that help of Wentworth to English liberty was true and efficient help. From whatever motive done, the thing was right and worthy to be done. While his speech yet swayed

\* See what is remarked, *ante*, 122-3.

the commons, no one, not Eliot himself, thought of questioning his service, or even his sincerity.\* But gradually the nets of intrigue closed over him. That which had been steadily the object of his desire from the time when he attained to manhood was secretly offered to him. And when he had resolved to yield, and through a cloud of eloquent words his purpose began to break, it was Eliot who first divined, and who promptly published and declared it.

It occurred on the debate of Friday the 23rd of May, when, upon Marten's illustration from Horace being taken to imply that the commons might not have disliked such a proposition as Williams's clause if separated from the Petition, that suggestion was promptly and formally made by the lord-keeper at a conference, and the commons had retired to debate it in their house.

The only record remaining of this debate is contained in Eliot's papers. The form in which the proposal had come from the lords was, that select committees should be named by both houses, having for the subject of their consultation the possibility of such "new form" of accommodation in the Petition of Right by manifestation, declaration, or protest" as, by making the enactment of Williams's saving clause a thing apart from the Petition, might lead to that immediate agreement of both houses to the latter which had now become essential for satisfaction of his majesty and his pressing occasions. In this shape it was debated. Substantially, it was the same proposal as the house already had made final order

\* The language of Lord Digby (*ante*, 184) and of Pym, in 1640, would imply that this had not been doubted. "A man," exclaimed Pym, "of great parts and contrivance, and of great industry to bring what he designed to pass; a man who in the memory of many present had sat in that house an earnest vindicator of the laws, and a most zealous asserter and champion for the liberties of the people: but who long since had turned apostate from those good affections, and, according to the custom and nature of apostates, was become the greatest enemy to the liberties of his country, and the greatest promoter of tyranny that any age had produced."—*Clarendon's Hist.* i. 279.

upon. All the arguments employed against the clause as a part of the Petition applied equally to any single and separate enactment of it which would call into existence a power before unknown to the laws. It was nothing more than the re-opening, upon a quibble of words, of what the house had formally concluded; as well by the order made two days before, as by the arguments at the conference of that very morning. This seemed to be so generally felt, that, notwithstanding speeches in its support from the secretary and the treasurer of the household, there was little disposition to debate the matter seriously, until, to the amazement of those with whom up to this point he had acted, Wentworth rose.

Eliot has not reported his speech in detail, but he states very distinctly the ground taken in it, and repeats some of the remarkable expressions used. Wentworth began by saying that the accommodation now sought by the lords appeared to be the limit of concession to which they meant to restrict themselves. Yet in his opinion it was necessary to the Petition, for strength and reputation to the work, that they should have the concurrence of the lords, and their conjunction with the commons. Their lordships' interest with the king was an advantage that might otherwise be lost; and could anyone doubt the more authority and force that would be drawn to such a measure as this from the circumstance that both houses were freely consenting in it? And then (probably because indications were given him that some might really *be* disposed to go even so far in the way of doubt) he went on, in his grand impetuous way, to insist that the commons by themselves would after all be found of inferior account. Endeavouring to move alone they would make small progress. They would be like grass growing on the house-top that withers before the time for cutting it down. They would be like the flower that fadeth before it be full ripe. They would be like the coin whose stamp is taken off, and by that doth lose its value.

They would be like that bodily member whose nerves and sinews have been cut, and so is made unserviceable. Wherefore he adjured them not to overtax their strength, but to take along with them that from which alone could be derived to their work its full efficacy and virtue.

Eliot rose immediately after him, and the speech which on the instant he delivered, and the heads of which must have been taken in the note book of one of the members present, exists in his own manuscript as corrected from the rough report, among the papers at Port Eliot.\* It is here for the first time printed; and a vivid picture than it presents of the man and his peculiar powers, we could hardly have. It is singularly interesting. Whatever the reader's opinions may be, he will not fail to admire the clearness and vivacity of thought, the fulness of debating power, the ready strength with which he turns against Wentworth his own expressions and arguments, the ease with which he measures himself against an antagonist so formidable, and, above all, his supreme confidence in the commons and the cause they represent, which he believes will survive all the danger threatened, and, when even the lords shall have deserted them, will remain flourishing and green.

"Mr. Speaker," Eliot began, "I agree with the gentleman who spoke† last in the foundations which he laid. I agree with him that we should in this Petition, for strength and reputation to the work, seek to have the concurrence of the lords and their conjunction with us. I agree that their interest with the king would be of some advantage, and that, where both houses mutually are consenting, it gives the more authority and force. But the arguments that gentleman used to induce it, I can no way relish nor approve. Without it, he said, we should be like grafts growing

\* He has written at the top of the first page, "In answer to Wentworth, St T. W. 23 Majj 4<sup>o</sup> Car. Regn."

† Marginal note by Eliot: "St Thom. Wentworth."

“ on the house-top that withers before it be cut down ;  
“ or like the flower that fadeth before it be full ripe ;  
“ or like the coin whose stamp is taken off, and by that  
“ doth lose its value ; or like that bodily member whose  
“ nerves and sinews have been cut, and so is made  
“ unserviceable. As though the virtue and perfection of  
“ this house depended upon, and were included in, their  
“ lordships ! Sir, I cannot make so slight an estimation  
“ of the commons as to think them mere cyphers to  
“ nobility ! I am not so taken with the affectation of  
“ their lordships’ honour, so much to flatter and exalt it.  
“ No ! I am confident that, should the lords desert us, we  
“ should yet continue flourishing and green. I do not  
“ fear, that, in a perfect character made up with hope  
“ and happiness, we should still retain a full strength in  
“ the virtue of our cause. In this, therefore, I disagree,  
“ and must vary from that gentleman ; and from his  
“ conclusion I am so far dissenting and at odds, that I  
“ cannot but be amazed at the proposition which he  
“ makes, and this both in respect of the matter and the  
“ time. For the time—that after so large a conference  
“ and debate, after so mature a resolution as hath been  
“ given in this, after six weeks’ deliberation in the cause,  
“ after six days’ resistance on this point, yet, contrary to  
“ all the former order of proceeding, contrary to the  
“ positive and direct order of the house, such a propo-  
“ sition should now be newly offered to draw us from the  
“ ways of safety and assurance, and to cast us upon new  
“ difficulties, new rocks. The order of the house, you  
“ know, was, that we should take into consideration the  
“ proposition of the lords, and what was expedient to be  
“ done. The first part of that order was settled by the  
“ sub-committee yesterday, which resolved it to be no  
“ way fit for us to entertain. The second part was ended  
“ by the grand committee this morning, in direction of  
“ those arguments to the lords which they framed for an  
“ answer and excuse why we could not join in the course



“that was propounded.\* Sir, it cannot surely be denied that  
 “what is offered more, what is offered now at this time,  
 “is at least in interruption, if not in contradiction of that  
 “order. And as such order of the house has no corre-  
 “pondency with this now suggested, so the nature of the  
 “business itself, and our former way of treaty with the  
 “lords, is opposed to it. I will ask you, Sir, whether  
 “in all our proceedings from the first, in so many con-  
 “ferences and intercourses as there have been, more has  
 “been entertained at any time than the first draft and  
 “body of the Petition we presented? What alteration  
 “or addition have we at any time propounded to the  
 “lords? Nay, Sir, you know so far we were from that,  
 “that we have not consented to receive any, though with  
 “the greatest art insinuated, excepting in those two words  
 “only of *unlawful* and *pretext*. And when the difficulty  
 “is considered wherewith the latter change was admitted,  
 “it should be a sufficient argument to deter any man in  
 “the like, much more in that which has so much more  
 “of danger. Sir, I remember an expression that was  
 “used when this cause came first in agitation, to endear  
 “the weight of the question, and the care we should  
 “have of it. It was by the same gentleman whose  
 “proposition I now oppose. He then desired, if he did  
 “not faithfully insist for the common liberty of the  
 “subject to be preserved entire and whole, he desired,  
 “I say, that he might be *set as a beacon on a hill for all*  
 “*men else to wonder at!* The power of that remains  
 “with me. It is with me at this time, and for the  
 “reasons which then he used, and which are not easily  
 “resistible. By those I am so bound up in this par-  
 “ticular to the resolution he then made, that, seeing the  
 “danger his present proposition would induce, I cannot  
 “be consenting or admit it. From his second, I must  
 “appeal to his first conclusion, and desire him to make

\* These were the arguments, “legal and rational,” of Glanville and Marten, described in the last section.

" his own reason the judge against himself, and deter-  
 " mine between us. But besides, Sir, the nature of the  
 " business is against it. As I before have argued, no  
 " 'saving' in this kind, with what subtlety soever worded,  
 " can be other than destructive to our work. Our greatest  
 " lawyers have confirmed this. It could only endanger us  
 " with ourselves. It could only be an instrument of  
 " division to distract us. It could only draw a conse-  
 " quence of more prejudice than, I hope, any man intends ;  
 " far more, I am sure, than the merit or desert of any man  
 " could counterpoise. And, Sir, for that which is pre-  
 " tended to make it more passable with the king, I have  
 " assurance to the contrary from an honourable gentleman  
 " near the chair,\* who gave it as a confidence both unto me  
 " and others, that his majesty, when he first heard of the  
 " resolution of the lords for their clause of new addition,  
 " was so far from liking it, that he conceived some dis-  
 " pleasure at the way they had gone, taking it rather as  
 " tending to his prejudice than his advantage.† So that  
 " this argument, then, is but a colour and an art to give  
 " satisfaction to some ministers whose worths will hardly  
 " merit it ; and for whom, I freely must profess myself,  
 " that I never will consent to part with any liberties  
 " of the subject. But I fear I have been too long  
 " insisting on these points, which your own judgments  
 " have so clear. I shall therefore now resort to my  
 " conclusion. Sir, as you formerly directed for confer-  
 " ence with the lords, arguments of two sorts, rational  
 " and legal, for confutation of the objections made by  
 " their counsel and for confirmation of the opinions held  
 " by our house ; and as satisfaction has thus not only  
 " been obtained in this particular, but in general for all  
 " additions and propositions of like nature ; my conclu-  
 " sion now shall be, that we may follow on that course,

\* Marginal note by Eliot: " Sir Humph' May, chancellor of the duchy."

† See *Ante*, 210-211.

“ notwithstanding all diversions to the contrary. I move  
“ that we do further press their lordships, for the expedi-  
“ tion of the work and for the satisfaction of his majesty,  
“ that there may be no more time spent in these inter-  
“ courses and meetings which beget trouble to ourselves,  
“ protraction to our business, jealousy and discontent in  
“ the sovereign. In these procrastinations and delays he  
“ thinks both himself and his services neglected ; whereas  
“ the necessity of our affairs stands still as it was origi-  
“ nally declared by us at the beginning of this parliament.  
“ It stands still in reason, that but by the clearing of our  
“ liberties can there be given either affections or abilities  
“ to the people to supply the king with money ; while  
“ yet his occasions, on the other side, may more hastily  
“ require it, and so, by such delays as I now resist, may  
“ be hindered and impeached.” \*

The result was that the advice thus tendered was taken. The commons declined to treat of the “ accommodation by committees of both houses : ” on the ground of the inexpediency of committing to a few the strength which lay in the number of their members ; and being also

\* From the MSS. at Port Eliot. In the expressions by his great rival which Eliot here reproduces, a striking instance is afforded of Wentworth's mode of turning to use his scriptural reading. Other expressions less authentic, alleged to have been used by Wentworth while in opposition, have been quoted to show how zealous he had been against Buckingham ; and Sir John Bramston (the son of the judge) has this passage in his *Autobiography* after mentioning one of Wentworth's speeches on the Petition of Right : “ O unhappie man ! to give any encouragement of distrust at this tyme ! Once before he advised the pressing the lords  
“ to committ the duke, sayinge, Take him from the king's care, and you will  
“ have witnesses enough ; but whilst he is soe neare the king few will dare  
“ to speake their knowledge. Which counsell afterwards was made use of  
“ against himselfe ! ” If Wentworth ever used this argument, it must have been in the third parliament, and yet it manifestly is applicable only to the second parliament, of which Wentworth was not a member. I believe it, however, to have no foundation beyond the notorious fact of Wentworth's quarrel with Buckingham. It is one of the many similar statements made during the Strafford impeachment which require always careful sifting. He became then of an interest so engrossing that everything concerning him was magnified or distorted ; and even Lord Digby transformed a mere sentence in one of his speeches on the Petition (*ante*, 185) into “ a clause added by him to the Petition.”

confident that their Petition, rightly taken, needed no accommodation.\* A debate followed which occupied the lords until late that Saturday night. Nothing was then concluded. But, within an hour after reassembling on Monday morning, their "committee for accommodation" was ordered to withdraw, and consider of something to clear that house at least from any design to restrain the crown's just prerogative. This was a confession of defeat. Over Buckingham's obstinacy and Williams's craft the sustained resolve of the commons had triumphed. The committee brought back a form of declaration that the intention of their lordships was not to lessen or impeach anything that by the oath of supremacy they had sworn to defend; and this having been read thrice, they voted to join the commons in their Petition.

The two verbal alterations were reported that afternoon; and next day, Tuesday the 27th of May, Coke presented himself with a group of leading members at the bar of the lords, delivered a copy of the Petition fairly engrossed,† rendered them hearty thanks for their noble and happy concurrence, and prayed of them to beseech his majesty to give answer in full parliament. Upon this there was a general expression of agreement "with acclamation and putting off hats." Thrice on that same day the Petition was read in the lords,‡ and at three o'clock on the following afternoon, Wednesday May the 28th, the lord-keeper, attended by some members of both houses, presented it to the king.

"I pray God send us good success in our great business to-morrow. No man I know can further

\* These details are not in *Rushworth*, but will be found in the *Commons' Journals*, i. 904; and in *Parl. Hist.* viii. 141-2.

† It had been read a first and second time by the commons on the Monday, and on this Tuesday morning, having been meanwhile engrossed, it was read a third time. See *Commons' Journals*, i. 904-5.

‡ See *Lords' Journals*, iii. 825-6. *Commons' Journals*, i. 905. Two judges, Jones and Whitelocke, carried the message from the lords to the lower house announcing that they "had read the Petition thrice, and with one unanimous consent voted it, though they had voted it before."

"advance it than yourself."\* So had Mr. Speaker Finch written to Sir Thomas Wentworth on the eve of their so taking up to the king the new charter of English liberty. His letter proves more than the good understanding now established between the member for Yorkshire and the court. The "success" desired by Finch was not the triumph of Eliot and his friends. There is no doubt that the hope remained of intercepting even yet the fruits of the victory.

His majesty had received the Petition in silence. But on the same night Coventry received a royal message for the houses to the effect that "having a desire to finish this session as soon as might be, his answer should be given with speed." What this answer was, and what had preceded as well as what followed it, remains to be told.

## VI. THE THIRD AND THE FIFTH OF JUNE.

The king was now brought to a stand. In the game he had chosen to play, there was no move left to him not likely to be fatal. His forces of opposition were exhausted, and thus far his artifices of evasion had failed. Yet still the prize hung glittering within reach; and never had it been so near his hand, as when, worsted at every point in a long and tedious struggle, it seemed hopeless to attempt to close his grasp upon it. Ample subsidies were voted, and the periods for payment even fixed; but the conditions were inexorable. On the day when the lords threw up the saving clause, no choice but absolute submission was before him if the money voted was ever to be his, unless he could make submission itself a mere pretence or mask for escape from those hard conditions. And this is what he resolved to attempt.

In the afternoon of that 26th of May, upon the final defeat of Williams's intrigue, the king sent to the two

\* *Straff. Disp.* i. 46. This letter is dated the 28th, a manifest error for the 27th, of May.

chief justices,\* Hyde and Richardson; under the seal of secrecy handed to them a question, *Whether in no case whatsoever the king cannot commit a subject without showing a cause*; and directed them to obtain written answer from all the judges. The answer declared the general rule of law to be that the cause should be shown, yet that some case might require such secrecy as to allow of the commitment "for a convenient time" without showing the cause; and, on the chiefs delivering this to the king the next day, they received from him, under the same injunction to secrecy, a second question, *Whether in case a habeas corpus be brought, and a warrant from the king without any general or special cause returned, the judges ought to deliver him before they understood the cause from the king?* whereon, answer having been obtained in like manner, the general rule of law was stated to require, in such circumstances, delivery of the party committed; but, assuming the case to be one requiring secrecy, so that the cause ought not presently to be disclosed, the court in discretion might forbear to deliver the prisoner for a convenient time, to enable them to be advertised of the truth thereof.

That answer was delivered to the king in writing on the 30th of May, subscribed by all the judges except the chief baron. Charles was not satisfied. Though the judges were ready to strain a point, it was clear that the rule of law was against him. At a third interview, in which again, unattended and alone, he met Hyde and Richardson, he put the question point blank, *Whether, if the king grant the commons' Petition, he doth not thereby conclude himself from committing or restraining a subject for any time or cause whatsoever, without showing a cause?* To this the answer, subscribed as before, was handed to the king in the same secret manner, on the last day of

\* The chief baron had an illness which opportunely saved him from the inconvenience of attending this "auricular taking of opinions," as old Coke termed it.

May. It was to the effect that every law, after it was made, had its exposition, and so would the Petition; the answer thereto (in other words, its enactment as a law) carrying with it its exposition as the case in the nature thereof should require to stand with justice; and this was to be left to the courts of justice to determine, it being not particularly to be discerned until such case should happen: "and although," said the judges in conclusion, "the Petition be granted, there is no fear of "conclusion as is intimated in the question." \*

These forms and phrases of compliance, servile as they were, yet jarred upon the king. He could not fail to see what the truth was. His judges were lavish of personal devotion, but they left open to a reading other than their own the higher questions submitted to them. They shrank from open conflict with the lawyers of the commons. It would now be a needless enquiry whether opinions other than they had given might have emboldened the king to a different course from that which he proceeded to take. There can at least be no doubt that this secret questioning of them, this auricular torture, had yielded stronger indications than he had been led to expect of the restrictions under which he would be placed if the Petition received statutory enactment. So far he altered, therefore, what seems to have been the first design, as to determine that his submission itself

\* This curious passage in history was revealed in a paper found among the MSS. of Hargrave, and was first noticed publicly by Mr. Hallam, who quoted from the original in the British Museum. The entire paper or memorandum was afterwards printed by Sir Henry Ellis in his *Original Letters Illustrative of English History* (Second Series, iii. 250-2). And now that the state papers have been made accessible in the Public Record Office, the student will find there other copies and memoranda relating to it, in the king's hand. There also will be found, in the handwriting of attorney-general Heath, several rough drafts and memoranda showing with what anxiety Charles had taken counsel with his attorney, after these opinions of his judges, upon the wording of the answer by which he might evade giving statutory effect to the Petition. MSS. S. P. O. Dom. Ser. cv. 93-99. I may add that Brampton's *Autobiography* (47-49) confirms Hargrave's MS: the writer having found among his father's papers a note to the same effect by chief justice Hyde.

should not be real, but as evasive as the purpose it concealed.

The effort appears at first sight unaccountable, that would thus with so much pains have prevented, what was violated afterwards with so much ease; but, making every allowance for the king's desire to close such a struggle as this had been by a secret advantage over his adversaries, it will probably be also just to say of him that he would willingly have avoided the greater fault by committing the less, and would have liked better to withhold altogether his consent from the Petition, than to violate it after consenting to it. To the thought of trampling on a law he had himself assisted solemnly to enact, which became afterwards unhappily familiar to him, he had not as yet inured himself; and his apologies for that later breach of the great statute on the ground of his ignorance or doubt of the new restraints implied in it, receive their complete refutation from his present persistent attempts to resist its enactment.

The last answer of the judges was handed in on Saturday the 31st of May; and prayers were hardly over in the commons' house on the morning of Monday the 2nd of June, when they were summoned to attend the lords. The king was already there. "Gentlemen," he said, with a sudden abruptness, "I am come hither to perform my duty.\* I think no man can think it long, since I have not taken so many days in answering the Petition, as ye spent weeks in framing it; and I am come hither to show you that, as well in formal things as essential, I desire to give you as much content as in me lies." The lord keeper said a few words; the Petition was read; and nothing remained but the *soit droit fait comme il est désiré*, the form in which, for six centuries

\* This is the word used by *Rusworth* (i. 588), and it is borne out by a transcript of the speech in Eliot's handwriting among the Port Eliot MSS. The *Parliamentary History* substitutes "promise" for "duty." (viii. 145), and undoubtedly there had been a promise. See close of last section.



of the English monarchy, the royal assent to every statute so framed\* had been invariably and unalterably given. But, though never in all that time more anxiously expected, not to-day was the familiar sentence heard.

Again Charles rose, and placed in the lord keeper's hands a paper, from which Coventry read what follows: "The king willeth that right be done according to the laws and customs of the realm; that the statutes be put in due execution; and that his subjects may have no cause to complain of any wrong or oppressions contrary to their just rights and liberties; to the preservation whereof he holds himself in conscience as well obliged, as of his own prerogative." The strange and unexpected words were listened to in profound silence. The lords broke up; and the commons, after returning to their house, and giving order that the answer just heard should be read on the following morning, immediately adjourned.

A sense of something like despair now appears to have settled on the majority. Wherefore had all been done and suffered during the past two months if the sole result were *this*? What availed their loyalty if the king might be disloyal? They had no arms to employ in such a struggle, no means to carry it on, and it was hopeless any longer to continue it. Claiming to be above the laws, their opponent had been proof against every effort made within legal limits; the constitutional usages of parliament had fallen exhausted from a contest so unequal; and already the house saw itself dissolved without a single guarantee against recurrence of the outrages to property and liberty. But, while many of the leaders were giving way to thoughts like these,

\* There is a speech of Selden's in which he learnedly discriminates the forms in which, from the Norman conquest, the royal assent to statutes had been invariably given. "For public bills the king saith, *le roy le veult*; for petitions of right, *soit droit fait comme il est désiré*; and for bills of subsidies it is ever thus, *the king heartily thanks his subjects for their good wills*." See *Parl. Hist.* viii. 237.

Thus, conscious of one mistake committed by them, was bent now only upon redeeming it. They had not and pursued their course, as between themselves and their sovereign, with consummate prudence: yet by disregarding in one particular the counsel given them before the meeting of parliament, they had failed. Only through his minister was the king responsible, and if they desired to reach him they must strike at Buckingham. There had been fresh example, within but a few days, of the contempt to which the government of this incapable favourite was subjecting England in the eyes of foreign powers. With the monies exacted by the forced loan, another fleet had been equipped; under Lord Denbigh, a man whose sole qualification for command was his having married Buckingham's sister, had failed to the relief of Rochelle; on arriving within sight of the batteries that lined the shore, and of the ships of war ("fewer and weaker than themselves by many "degrees"\*) with which Richelieu was guarding the harbour, had given up the enterprise as hopeless; and amid shouts of derision from all but the courtiers, who vainly strove to conceal their mortification, had quietly returned to Portsmouth.† Were the commons of England to

\* Whitelocke's *Memorials*, i. 27.

† "After showing themselves only," says Whitelocke (i. 27) "they returned and left Rochelle unrelieved." Even Buckingham's former incapacities had not prepared the people for this; and the most extraordinary rumours, including imputations of his having traitorously counter-ordered the attack at the instance of Anne of Austria writing under dictation of Richelieu, were in free circulation. In the S. P. O. MSS. (cv. and cvi. Dom. Ser. *passim*) will be found many remarkable particulars as to this Denbigh expedition; and the letters of Secretary Cooke, who had betaken himself in dismay to Portsmouth to learn what he could and set right what he could on the spot, are especially worth attention. They seem to me derisive against Buckingham's admiralty administration. He could order ships to be built, and by large expenditure upon their construction he undoubtedly did so much good that he left behind him a larger navy than he found; but when he had built them he could not use them, and they were as an added loss and incumbrance in his hands. In the matter in question, the only hope of recovering from the shame incurred was to send back the fleet strengthened to Rochelle; but poor Sir John Cooke soon found this to be hopeless. There is a despairing letter of his to Conway dated

remain silent as to these things? They were the great council of the kingdom; and against such misgovernment of every part of the state, as against the men by whom it was misgoverned, it was their duty to have entered earlier protest. Sir John Eliot at this time stood probably alone in still believing it to be not yet too late. But he drew the rest after him.

Whether his purpose was declared at any meeting of the leaders after the house adjourned, I have not been able to satisfy myself. Other considerations may have imposed silence upon him until his course was actually taken. Unquestionable danger now attended it; and men who knew less thoroughly than himself the character of the king, were likely to see only the danger. A more fearless spirit could discern and seize the safety that lay beyond; and it has seemed to me, taking into account all the circumstances, that for swift application of those truest qualities of a statesman, sagacity and boldness, to an unexpected crisis of supreme danger, there is nothing in the story of these times that excels the conduct of Sir John Eliot on this memorable 3rd of June.\*

from Portsmouth the day before Eliot's great speech, which one reads with a sort of pity for him. He cannot express the difficulties and confusions into which he is plunged by the charge he has undertaken, which was never before laid upon a secretary of state; and by having to deal with men that know neither law nor order. He describes all men taking advantage of a prolongation of time for preparation, not to prepare and make ready, but to make their ships and men more *unready* when their going shall be expected. *He fears the lord admiral never reads over his letters, because in his returns he finds no directions given to things of most importance.* He complains of the indignity of a king's secretary being made a clerk and accountant to the officers of the navy. And finally (this, doubtless, most eagerly of all), he shall be glad to hear of a happy conclusion of the session of parliament. MS. S. P. O. Cooke to Conway. Portsmouth, 4th June, 1628.

\* In a letter to the king's sister dated the 7th June (MS. S. P. O.) Netherfole tells her that the king's first answer to the Petition "expressed in " terms something oracularous and having no reference to the Petition gave " very little satisfaction to many men, though others thought it well " enough. But they which disliked, without finding any fault therewith, " fell the next day to moving that the house (I speak of the lower) would " make a Remonstrance unto the king, and therein represent unto his ma<sup>ty</sup> " the danger in which himselfe and the kingdom stand. This motion was

His countryman, Francis Rouse, the member for Truro, had engaged to introduce that day the charge against Manwaring,\* and there was a large attendance of members and privy councillors. But after briefly stating the charge, Rouse intimated that he should reserve his declaration for a later day; and upon several rising as though to leave the house, a motion was made for attendance of the serjeant outside the door, and that no man was to offer to go out on penalty of being sent to the Tower. Then, says Rushworth, "the king's answer" to the Petition of Right "was read, and seemed too scant, in regard of so much expense of time and labour as had been employed in contriving the Petition. Whereupon Sir John Eliot stood up, and made a long speech, wherein he gave forth so full and lively representation of all grievances, both general

"made by Sir John Eliot, who in his speech let fall divers misinterpretable things of a high nature, as that the enterprise of the Isle of Réé looked more like a conception of Spayne than an action proceeding from the counsell of England: wh. passage being putt to explaine he did it by showing how that diversion did not onlie disable his ma<sup>tie</sup> to assist the k. of Denmarke, but hindered that succour also w<sup>ch</sup> that k. expected from France, &c. The conclusion was that the next morning the whole house resolved into a committee to advise of the matter of such a Remonstrance." So Whitelocke (*Memorials*, i. 29), speaking of the answer: "This answer did not satisfy the commons; and in debate of it, Sir John Eliot fell upon the public grievances, and moved that a Remonstrance of them might be made to the king: but this was by some held unseasonable, yet it was seconded, and a committee made about it." The remark had been copied from Rushworth (*Memorials*, i. 592): "It seemed to others not suitable to the wisdom of the house in that conjuncture to begin to recapitulate those misfortunes which were now obvious to all, accounting it more discretion not to look back, but forward." And both had been taken from the subjoined passage in May's *History* (*Lib. i. c. i. 8-9*): "The freedom that Sir John Eliot used in parliament, was by the people in general applauded, though much taxed by the courtiers, and censur'd by some of a more politique reserve (considering the times) in that kind that Tacitus censures Thraseas Pœtus, as thinking such freedom a needleffe and therefore a foolish thing, where no cure could be hoped by it. *Sibi periculum, nec aliis libertatem.*" It is the old reproach of the indifferent and the timid. In the instance before us it will be shewn that the danger was not incurred out of needles and therefore foolish forwardness, but in furtherance of a practical purpose which was thereby actually achieved; and for which Eliot thought himself bound to put in hazard both his life and his liberty.

"and particular, as if they had never before been mentioned."\* Even so. It was because they had never before been mentioned, this session, as they were now to be detailed, that Sir John Eliot had risen to speak. He thus began :

"Mr. Speaker, We sit here as the great council of the king, and, in that capacity, it is our duty to take into consideration the state and affairs of the kingdom; and, where there is occasion, to give them, in a true representation by way of counsel and advice, what we conceive necessary or expedient for them.

"In this consideration, I confess, many a sad thought has frightened me : and that not only in respect of our dangers from abroad, which yet I know are great, as they have been often in this place prest and dilated to us ; but in respect of our disorders here at home, which do enforce those dangers, as by them they were occasioned. For I believe I shall make it clear unto you, that as at first the causes of those dangers were our disorders, our disorders still remain our greatest dangers. It is not now so much the potency of our enemies, as the weakness of ourselves, that threatens us ; and that saying of the Father may be assumed by us, *Non tam potentia sua quam negligentia nostra*. Our want of true devotion to heaven, our insincerity and doubling in religion, our want of councils,† our precipitate actions, the insufficiency or unfaithfulness of our generals abroad, the ignorance or corruption of our ministers at home, the impoverishing of the sovereign, the oppression and depression of the subject, the exhausting of our treasures, the waste of our provisions, consumption of our ships, destruction of our men!—These make the advantage to our enemies, not the reputation of their arms. And if in these there be not reformation, we need no foes abroad ! Time itself will ruin us."

Great agitation arose while the orator's purpose so suddenly and strikingly declared itself. What it was, and what it involved, no one could doubt. They had been dealing hitherto with an irresponsible adversary, but a responsible one was now to be dragged upon the stage. What before in general terms they had heard of the grievances of the kingdom, they were to hear now with a personal application. No man doubted the existence of the dangers and disorders so impressively

\* *Memorials*, i. 591. Rushworth's report of the speech itself is very inferior to that given in my text.

† He means that all councils were now absorbed in Buckingham.

massed together in those opening sentences, or that the condition of the kingdom was not presented therein only too faithfully ; but everyone thus far had shrunk from what Eliot here had undertaken. To trace to their source the disorders as well as the dangers ; to exhibit plainly beside them their principal abettor ; to point popular wrath against a delinquent within reach of punishment ; and, while covering from unavailing attack the chief of the state, to lead the way to where, through his minister, he was unprotected and affailable : this was the task assumed. And such were its difficulties and perils, that even now, eager as the commons were to fasten upon Buckingham, they seem to have listened at the first with fears and misgivings, and to have even hesitated to protect their favourite speaker from interruption by members of the council. Eliot in his next few sentences had to appeal to the house.

“ You will all hold it necessary that what I am about to urge seem  
 “ not an aspersion on the state or imputation on the government, as I  
 “ have known such mentions misinterpreted. Far is it from me to  
 “ purpose this, that have none but clear thoughts of the excellency of  
 “ his majesty, nor can have other ends but the advancement of his glory.  
 “ To shew what I have said more fully, therefore, I shall desire a little of  
 “ your patience extraordinary to open the particulars : which I shall do  
 “ with what brevity I may, answerable to the importance of the cause  
 “ and the necessities now upon us ; yet with such respect and obser-  
 “ vation to the time as I hope it shall not be thought too trouble-  
 “ some.

“ For the first, then, our insincerity and doubling in religion, the  
 “ greatest and most dangerous disorder of all others, which has never  
 “ been unpunished, and for which we have so many strange examples  
 “ of all states and in all times to awe us,—What testimony does it want ?  
 “ Will you have authority of books ? look on the collections of the  
 “ committee for religion, there is too clear an evidence. Will you  
 “ have records ? see then the commission procured for composition with  
 “ the papists in the North. Note the proceedings thereupon. You will  
 “ find them to little less amounting than a toleration in effect, though  
 “ upon some slight payments ; and the easiness in *them* will likewise  
 “ shew the favour that’s intended. Will you have proofs of men ?  
 “ witness the hopes, witness the presumptions, witness the reports of  
 “ all the papists generally. Observe the dispositions of commands, the  
 “ trust of officers, the confidence of secrecies of employments, in this

" kingdom, in Ireland and elsewhere. They all will shew it has too great a certainty. And, to these, add but the incontrovertible evidence of that all-powerful hand which we have felt so sorely, to give it full assurance! For as the Heavens oppose themselves to us, it was our impieties that first opposed the Heavens.

" For the second, our want of councils, that great disorder in a state, with which there cannot be stability; if effects may shew their causes, as they are often a perfect demonstration of them, our misfortunes, our disasters, serve to prove it! And (if reason be allowed in this dark age, by the judgment of dependencies, the foresight of contingencies, in affairs) the consequences they draw with them confirm it. For, if we view ourselves at home, are we in strength, are we in reputation, equal to our ancestors? If we view ourselves abroad, are our friends as many, are our enemies no more? Do our friends retain their safety and possessions? Do our enemies enlarge themselves, and gain from them and us? What council, to the loss of the Palatinate, sacrificed both our honour and our men sent thither; stopping those greater powers appointed for that service, by which it might have been defensible? What council gave directions to that late action whose wounds lie yet a bleeding? I mean the expedition unto Rhée, of which there is yet so sad a memory in all men! What design for us, or advantage to our state, could that work import? You know the wisdom of our ancestors, the practice of their times; and how they preserved their safeties! We all know, and have as much cause to doubt as they had, the greatness and ambition of that kingdom, which the Old world could not satisfy! Against this greatness and ambition, we likewise know the proceedings of that princess, that never to be forgotten excellence, queen Elizabeth; whose name, without admiration, falls not into mention with her enemies. You know how she advanced herself, how she advanced this kingdom, how she advanced this nation, in glory and in state; how she depressed her enemies, how she upheld her friends; how she enjoyed a full security, and made them then our scorn, who now are made our terror!"

In the range of English oratory there is nothing finer in expression, or of wiser and subtler purpose, than this reference to Spain; and to the counsels by which the glorious queen had kept in check what *the Old world could not satisfy*. Altogether indeed this speech of Eliot's must be taken as in execution one of the greatest, as well as the most daring and successful in its aim, of which we have example in our parliamentary records. Thus far no one could doubt, while yet no one dared.

to assume, that all those charges of insincerity and incapacity in church and state administration were levelled at one man. They were so stated as to point only in one direction, and yet so as for the present to reserve its distinct avowal. To intercept or ward them off, therefore, before they had closed upon their victim, was impossible. To one point everything was converging; while yet the strength and closeness of reasoning, the clearness of detail, the earnestness of style, the plain, convincing, irresistible appeal, were all that challenged attention.

Eliot's next subject was that of the principles of policy in foreign affairs by which Elizabeth achieved those past successes, and these he proceeded so to state as to put in their most humiliating aspect and contrast the present relations of England to foreign powers. To the truth of this exposition, pregnant in every syllable with meaning, so condensed yet so exact and forcible, innumerable previous passages in my narrative have given abounding testimony.

"Some of the principles she built on, were these; and if I be mistaken, let reason and our statesmen contradict me.

"First to maintain, in what she might, a unity in France, that that kingdom, being at peace within itself, might be a bulwark to keep back the power of Spain by land.

"Next to preserve an amity and league between that state and us; that so we might join in aid of the Low Countries, and by that means receive their help and ships by sea.

"Then, that this treble-cord, so wrought between France, the States, and us, might enable us as occasion should require, to give assistance unto others; by which means, the experience of that time doth tell us, we were not only free from those fears that now possess and trouble us, but then our Names were fearful to our enemies. See now what correspondence our action hath had with this. Square it by these rules. It did induce as a necessary consequence the division in France between the Protestants and their king, of which there is too woful, too lamentable an experience. It has made an absolute breach between that state and us; and so entertains us against France, France in preparation against us, that we have nothing to promise to our neighbours, hardly for ourselves. Nay, but observe the time in which it was attempted, and you shall find it not only varying



"from those principles, but directly contrary and opposite *ex diametro* to those ends; and such as from the issue and success rather might be thought a conception of Spain, than begotten here with us."

Already men had spoken out of doors of treasonable correspondences with the enemies of England. There had been talk of Richelieu and Anne of Austria, and of a sacrifice to vanity or passion of the most sacred duties of patriotism. Eliot's allusion was to Spain, but it had struck the chord. The chancellor of the duchy, Sir Humphrey May, started from his seat. For himself and other members of the council he might justly resent an imputation, which for the interests of Buckingham alone might more prudently have been heard in silence. Such would have been the policy of Sir John Cooke; but the secretary was absent on his arduous mission, and the chancellor was a more sensitive and less dependent colleague. "Sir," he began, "this is a strange language. 'It is an arraignment of the council.'" But he was not allowed to continue. There was no hesitation now. The speaker had full possession of his audience, and they were under his controul. A general shout arose from every side expressing the command of the house that Sir John Eliot should go on. Nevertheless the chancellor persisted. "If Sir John Eliot is to go on," he said, "I claim permission to go out." On the instant order was given to the serjeant, and the door was open for the minister. "They all," says worthy Mr. Alured, uncle to Cromwell's friend, who was present at the scene and described it in a letter to Mr. Chamberlain of the court of wards, "they all bade him *Begone!* yet he stayed and 'heard Sir John out.'\*" We may take this incident for

\* Letter first published by Rushworth (i. 609-10), from Thomas Alured, member for Malton, in Yorkshire, to "old Mr. Chamberlain of the Court of Wards," dated Friday 6th June 1628. He opens it by describing Eliot's speech in a few sentences which strikingly reproduce its argument, and show how vivid must have been the impression made. "Upon Tuesday, Sir John Eliot moved, That as we intended to furnish his majesty

decisive proof of the interest Sir John thus far had awakened, and of the firm grasp with which he held the listeners he had seized. Even the chancellor could not draw himself away; but, staying to hear him out, heard also how little he had gained for himself and his colleagues, and how much he had lost for their master, Buckingham, by the ill-timed interruption.\*

"Mr. Speaker," Eliot resumed, "I am sorry for this interruption, but much more sorry if there have been occasion; wherein, as I shall submit myself wholly to your judgment to receive what censure you shall give me if I have offended, so, in the integrity of my intentions and clearness of my thoughts, I must still retain this confidence, that no greatness may deter me from the duties which I owe to the service of the country, the service of the king. With a true English heart, I shall discharge myself as faithfully and as really, to the extent of my poor powers, as any man whose honours or whose offices most strictly have obliged him." Resuming, then, with undisturbed composure, the very point in his speech at which the chancellor had started from his seat, he reminded the house that all the arguments addressed to them for money in the two preceding parliaments had turned upon the value of the French alliance in opposing Spain and the emperor, and for himself he would again declare that to select, as

"with money, we should also supply him with counsel, which was one part of the occasion why we were sent by the country, and called for by his majesty: And since that house was the greatest counsel of the kingdom, where, or when, should his majesty have better counsel than from thence? So he desired there might be a Declaration made to the king, of the danger wherein the kingdom stood, by the decay and contempt of religion, the insufficiency of his generals, the unfaithfulness of his officers, the weakness of his counsels, the exhausting of his treasure, the death of his men, the decay of trade, the loss of shipping, the many and powerful enemies, the few and the poor friends, we had abroad."

\* In the MS. copy of this speech existing in Sir John's handwriting at Port Eliot, the incident is thus mentioned in the margin: "Here there was an interruption made by one of the privy councillors calling it an arraignment of the council; but the house commanding to go on, it was thus followed."

the time for needlessly breaking that alliance, the very juncture when another of the allies had been struck down and disabled at the battle of Lutter, was a folly, a madness, a crime all but incredible.

"You know," he said, "the dangers Denmark was then in, and how much they concerned us: what in respect of our alliance with that country, what in the importance of the Sound: what an acquisition to our enemies the gain thereof would be, what loss, what prejudice to us! By this division, we breaking upon France, France being engaged by us, and the Netherlands at amazement between both, neither could intend to aid that luckless king whose loss is our disaster." Then turning sharply round to the privy councillors, he added: "Can those now, that express their troubles at the hearing of these things, and have so often told us in this place of their knowledge in the conjunctures and disjunctures of affairs, say they advised in this? Was *this* an act of council, Mr. Speaker? I have more charity than to think it; and unless they make a confession of themselves, I cannot believe it."

Eliot was now arrived at the third division of his speech. He was to bring before the house "the insufficiency of our generals." He was in effect to drag Buckingham personally on the scene. For a moment he paused. "What shall I say? I wish there were not cause to mention it; and, but out of apprehension of the danger that is to come if the like choice hereafter be not now prevented, I could willingly be silent. But my duty to my sovereign and to the service of this house, the safety and the honour of my country, are above all respects: and what so nearly trenches to the prejudice of these, may not, shall not be forborne."

He cared not from this point any longer to conceal that his purpose was to sway the house into preparation of a Remonstrance on the condition to which the kingdom

had been reduced by Buckingham. Above and beyond the Petition, and careless whether assent to it now were given or withheld, his design was to compel, by way of Remonstrance at least, the impeachment of the favourite. Still he named him not; but every word he uttered thenceforward, of the incapacity with which their troops had been commanded, of the disasters that had attended their successive expeditions, of the rejection of capable and adoption of incapable counsel, of the impoverishment of the king and exhaustion of the kingdom, fell with deadly aim on Buckingham, and on him alone. I have formerly adverted\* to that peculiarity in Eliot's oratory by which everything was subordinated to his design, so that the subject he had taken up, whatever it might be, always interpenetrated every part of the speech relating to it; no divergence being ever made from it, nothing interrupting it, and the grasp being never let go. Here we have a supreme example of that most rare power, in which the highest art of the orator is found. Nothing diverts Eliot from his purpose, or interrupts the course of his reasoning for a moment. No thought arises of the personal loss at that hour certainly awaiting him; no shadow falls from the danger closely impending. His argument is paramount. He holds the life of the liberties of the nation to be worth every hazard.†

\* *Ante*, i. 541.

† This is the only speech by Eliot of which anything like a fair or sufficient report was accessible before the discoveries made in the present work. A copy had been found among Sir John Napier's MSS, and was published in the second parliamentary history. It is not so correct as the copy in my text, which is taken from Eliot's manuscript; but it presented all the heads with a fair approach to accuracy; and when Hazlitt (in 1812) compiled his specimens of parliamentary eloquence, it attracted him as one of the noblest instances he had met with in all his collections, reminding him, as he said, of Demosthenes. "There is no affectation of wit, no studied ornament, no display of fancied superiority; his whole heart and soul are in his subject. . . . The force and connection of his ideas give vehemence to his expressions; and he convinces others because he is thoroughly impressed with the truth of his own opinions. A certain political writer of the present day might be supposed to have borrowed his *dogged* style from this speaker." *Eloquence of the British Senate*, i. 65. The latter allusion is to Cobbett.

" At Cadiz then, in that first expedition we made, when they arrived and found a conquest ready (the Spanish ships, I mean) fit for the satisfaction of a voyage, and of which some of the chiefs then there have since themselves assured me the satisfaction would have been sufficient, either in point of honour, or in point of profit,— why was it neglected? why was it not achieved? it being of all hands granted how feasible it was.

" Afterward, when, with the destruction of some men, and the exposure of some others (who, though their fortunes have not since been such, then by chance came off),\* when, I say, with the losses of our serviceable men, that unserveable fort was gained and the whole army landed, why was there nothing done, nothing once attempted? If nothing were intended, wherefore did they land? If there were a service, why were they shipped again?

" Mr. Speaker, it satisfies me too much in this,† when I think of their dry and hungry march unto that drunken quarter (for so the soldiers termed it) where was the period of their journey, that divers of our men being left as a sacrifice to the enemy, that labour was at an end.

" For the next undertaking, at Rhéc, I will not trouble you much; only this in short—Was not that whole action carried against the judgment and opinion of the officers? those that were of council? was not the first, was not the last, was not all, in the landing, in the intrenching, in the continuance there, in the assault, in the retreat? Did any advice take place of such as were of the council? If there should be a particular disquisition thereof, these things would be manifest, and more. I will not instance now the manifestation that was made for the reason of these arms;‡ nor by whom, nor in what manner, nor on what grounds it was published; nor what effects it has wrought, drawing, as you know, almost all the whole world into league against us! Nor will I mention the leaving of the mines, the leaving of the salt, which were in our possession; and of a value, as it is said, to have answered much of our expence. Nor that great wonder, which nor Alexander nor Cæsar ever did, the enriching of the enemy by courtesies when the soldiers wanted help!§ Nor the private intercourses and parlies with the fort, which continually were held. What they intended may be read in the success, and upon due examination thereof they would not want their proofs.

" For the last voyage to Rochelle, there needs no observation; it is so

\* He refers to Burroughes and Spry, as his previous allusion had been to Courteney; all of whom were in the Cadiz expedition, as in that to Rochelle. See *ante*, 73, 74, 78, 80, and i. 450, &c.

† He means that the facts only too much satisfy him of the correctness of his inference.

‡ An allusion to Buckingham's manifesto, *ante*, 70.

§ See *ante*, 72, 73.

"fresh in memory.\* Nor will I make an inference or corollary on all. Your own knowledge shall judge what truth, or what sufficiency, they express.

"For the next, the ignorance or corruption of our ministers, where can you mis of instances? If you survey the court, if you survey the country, if the church, if the city be examined; if you observe the bar, if the bench; if the courts, if the shipping; if the land, if the seas: all these will render you variety of proofs, and in such measure and proportion as shews the greatness of our sickness, that if it have not some speedy application for remedy, our case is most desperate.

"Mr. Speaker, I fear I have been too long in these particulars that are past, and am unwilling to offend you: therefore in the rest I shall be shorter. And in that which concerns the impoverishing of the king, no other arguments will I use than such as all men grant.

"The exchequer you know is empty,† the reputation thereof gone! The ancient lands are sold, the jewels pawned, the plate engaged, the debt still great, and almost all charges both ordinary and extraordinary borne by projects! What poverty can be greater? what necessity so great? What perfect English heart is not almost dissolved into sorrow for the truth?

"For the oppression of the subject, which, as I remember, is the next particular I proposed, it needs no demonstration. The whole kingdom is a proof. And for the exhausting of our treasures, that oppression speaks it.

"What waste of our provisions, what consumption of our ships, what destruction of our men, have been,—witness the journey to Argiers! Witness that with Mansfield! Witness that to Cadiz! Witness the next! Witness that to Rhée! Witness the last! (And I pray God we may never have more such witnesses!) Witness likewise the Palatinate! Witness Denmark! Witness the Turks! Witness the Dunkirkers! WITNESS ALL! What losses we have sustained! How we are impaired in munition, in ships, in men!

\* The reference is to the latest, under Denbigh. *Ante*, 234.

† In the course of this work, and especially in the speeches reported by Eliot in his memoir (of which no other record known to me exists), much light has been thrown on the financial state of England at the time. I have judged it to be best to leave these statements with occasional elucidation, but without reducing them into systematic results. Any such attempt would necessarily be more or less misleading; but the reader may be glad to compare them with some careful notes lately made upon the condition of the English exchequer at the accession of the Stuart dynasty, and upon the revenue and expenditure of the early years of Charles's father. See Mr. Gardiner's Introduction to the Camden Society's publication (1862) of *Parliamentary Debates in 1610*. Mr. Gardiner has since also published a History of the Early Years of James the First, which is the fruit of original research, and well worth careful study.

“ It has no contradiction ! We were never so much weakened, nor  
“ had less hope how to be restored !

“ These, Mr. Speaker, are our dangers ; these are they do threaten  
“ us, and are like that Trojan horse brought in cunningly to surprisē  
“ us ! For in these do lurk the strongest of our enemies ready to issue  
“ on us ; and if we do not now the more speedily expel them, these  
“ will be the sign and invitation to the others. They will prepare  
“ such entrance that we shall have no means left of refuge or defence ;  
“ for if we have these enemies at home, how can we strive with those  
“ that are abroad ? But if we be free from these, no others can im-  
“ peach us ! Our ancient English virtue, that old Spartan valour,  
“ cleared from these disorders ; being in sincerity of religion once  
“ made friends with heaven ; having maturity of councils, sufficiency  
“ of generals, incorruption of officers, opulency in the king, liberty  
“ in the people, repletion in treasures, restitution of provisions, repara-  
“ tion of ships, preservation of men — our ancient English virtue, I  
“ say, thus rectified, will secure us. But unless there be a speedy  
“ reformation in these, I know not what hope or expectation we may  
“ have.

“ These things, Sir, I shall desire to have taken into consideration.  
“ That as we are the great council of the kingdom, and have the  
“ apprehension of these dangers, we may truly represent them to  
“ the king ; wherein I conceive we are bound by a treble obligation  
“ of duty unto God, of duty to his majesty, and of duty to our  
“ country.

“ And therefore I wish it may so stand with the wisdom and judg-  
“ ment of the house, that they may be drawn into the body of a Re-  
“ MONSTRANCE, and there with all humility expressed ; with a prayer unto  
“ his majesty, that for the safety of himself, for the safety of the  
“ kingdom, for the safety of religion, he will be pleased to give us time  
“ to make perfect inquisition thereof ; or to take them into his own  
“ wisdom and there give them such timely reformation as the necessity  
“ of the cause, and his justice, do import.

“ And thus, Sir, with a large affection and loyalty to his majesty, and  
“ with a firm duty and service to my country, I have suddenly, and it  
“ may be with some disorder, expressed the weak apprehensions I have,  
“ wherein if I have erred, I humbly crave your pardon, and so submit  
“ it to the censure of the house.”

This speech led to a resolution of the house of commons, which determined the fate of the minister. Though he will fall shortly by a death more ignoble than that which executes a people's justice and expiates the crime of treason to a state, the assassin's knife only anticipated briefly what had become an inevitable

doom. The public wrath against the Duke of Buckingham was carried to so high a pitch when this Remonstrance moved by Eliot was published, by name denouncing him as the grand delinquent against the kingdom and the king, that to a careful judgment it will seem unlikely that the sovereign could in any case much longer have protected him against his keen assailants.\* This for the present, however, is Charles's only thought; and for it he is prepared to make every sacrifice, even to the passing of the Petition. If the necessity should come, he will be ready to protect his minister by leaving unprotected his "prerogative royal." But he has to learn that even this concession will be too late now to save his friend, whose arrogance and recklessness have at last aroused what their final overthrow alone can satisfy. The duty that awaits the commons is grave beyond former precedent; and the next two days will show how deeply they are impressed by it, and to what extent they are prepared to discharge it.

None of the ministers are reported to have spoken after Eliot resumed his seat. The next speaker was indeed a privy councillor, but he was one who had no unfriendly relations with the member for Cornwall, having himself also taken active part in promoting the Petition; though he had lately resumed a more familiar intercourse in his official connection with the lord-admiral, and now seems to have felt it as a duty of his place to enter protest against Eliot's attack. Sir Henry Marten intimated, says one of the Napier manuscripts, that Sir John Eliot had spoken from disaffection to his

\* This is in substance the opinion of Lingard, who views the case very dispassionately. "He had already passed the meridian of his greatness; the commons had pronounced him the bane of his country; . . . and if he had escaped the knife of the assassin, he would perhaps have fallen by the axe of the executioner."—*Hist.* vii. 171. Clarendon admits how unfortunate his influence had been in the public affairs (i. 13), and that all the calamities that followed upon the early unpopularity of Charles the First's government "originally sprung from the inordinate appetite and passion of "this young man under the too much easiness of two indulgent masters." i. 67.



majesty; and there wanted not some who said it was out of some distrust of his majesty's answer to the Petition. "But Sir John Eliot protested the contrary; and that himself and others had a resolution to open these last-mentioned grievances, to satisfy his majesty therein, only they stood for an opportunity. Which averment of Sir John Eliot's was attested by Sir Thomas Wentworth and Sir Robert Philips." \* A note among the Eliot papers has thrown light upon this curious incident,† and the Journals preserve for us what followed. "Upon question, the house to-morrow morning to be resolved into a grand committee to take into consideration and debate the danger and means of safety of the king and kingdom: to be drawn into an humble Remonstrance or Declaration to be presented unto his majesty."‡ So closed, by adoption of all that Eliot had suggested, the memorable third of June.

The morning of Wednesday the fourth brought a message from the king. This hitherto has been described and understood imperfectly; but Netherfole, who was present, will enable us exactly to comprehend what passed. "The next morning being Wednesday," he writes to the king's sister, "his majesty sent a message to the house by the Speaker, wherein taking notice that the answer he had given to our Petition was not such as satisfied them, *although noe man had sayd soe much in the house*, his ma<sup>ty</sup> declared his resolution to abide by that answer without yielding to any alteration thereof: and further, taking notice of the purpose to enter upon new matter which would aske much time, he let us know that his resolution was to put an end to this session on Wednesday the 11th of June, and therefor required us to cast our business so as we might be ready for a prorogation against that day: which if

\* Rushworth, i. 593

† Ante, 114-15.

‡ Commons' Journals, i. 908.

“we did, he promised to call us together agayne this next winter to heare what other complaynts we had, and to give redresse to them. *This message, intended to take the house off the Remonstrance (as was conceived), on the contrary set them on to proceede therein with more earnestness; in so much as that day they began to set down divers heades of the Remonstrance.*” Such was ever the procedure of this unhappy king. Ill-timed alike in resistance and concession, it rarely happened that the effect produced was not, as in this case, the direct contrary of that which he desired; and very soon his threats became as powerles as his promises.

Not now therefore to the business of getting ready for prorogation, except in the sense of getting ready their Remonstrance, did the commons address themselves on the bidding of the sovereign. They turned deliberately away from further consideration of the bills of subsidies, and the only subjects handled beside the Remonstrance were matters connected with it. Pym opened before the lords the impeachment of Manwaring, in a speech of extraordinary power; \* and report was made

\* I am not writing a history, but a biography, and I necessarily am limited to details falling within the sphere of exertion in which Eliot moved, or illustrating specially the questions to which he devoted himself. But there is a passage in this speech of Pym's directly bearing on the Petition of Right, and presenting a condensed expression of the political views entertained by the leaders of the parliament, which so strikingly exhibits their dislike of mere change, as well as their knowledge of the history, laws, and precedents out of which what we now understand as the English Constitution had already taken solid shape in their minds, that it is an act of justice to all of them to quote it here: “The best form of government is that which doth actuate and dispose every part and member of a state to the common good; for, as those parts give strength and ornament to the whole, so they receive from it again strength and protection in their several stations and degrees. If this mutual relation and intercourse be broken, the whole frame will quickly fall to pieces. If, instead of a concord and interchange of support, one part seeks to uphold an old form of government, and the other part to introduce a new, they will miserably consume one another. Histories are full of the calamities of entire states and nations in such cases. It is nevertheless equally true that time must needs bring about some alterations, and every alteration is a step and degree towards a dissolution. Those things only are eternal which are

to the house from the committee of trade of all the evils that had flowed from an incapable administration of the admiralty. The histories have been so strangely silent as to the terms of this remarkable report that a few words respecting it may here be allowed. All the grievances of seamen were forcibly stated in it; all the wrongs of merchants; and all the sufferings that had followed from imperfect guarding of the coasts and seas. The number of ships taken by the enemy, the property seized by pirates, and the injustice done by absence of a settled book of rates and statute of tonnage and poundage, were successively detailed. During the previous three years, "besides great and inestimable losses in less vessels," 248 ships of a hundred tons and upward had been seized and lost between Dover and Newcastle.\* At the same time merchants had been discouraged from building ships of the tonnage required for the king's wants by the small rate allowed

"constant and uniform. Therefore have those commonwealths been ever the most durable and perpetual which have often reformed and recomposed themselves according to their first institution and ordinance. By this means they repair the breaches, and counterwork the ordinary and natural effects, of time. There are plain footsteps of our laws in the government of the Saxons: they were of that vigour and force as to overlive the Conquest; nay, to give bounds and limits to the Conqueror. His victory only gave him hope; but the assurance and the possession of the crown, he obtained by composition; in which he bound himself to observe all the ancient laws and liberties of the kingdom, and which afterwards he confirmed by oath at his coronation. From him the same obligation descended to his successors. It is true these laws have been often broken, and they have been as often confirmed by charters of kings, and by acts of parliaments; but the petitions of the subjects, upon which such charters and acts were founded, were ever PETITIONS OF RIGHT, demanding their ancient and due liberties, not suing for any new. The liberties of the subject are not only convenient and profitable to the people, but most necessary for the supply of his majesty. If they were taken away, there would remain no more industry, no more justice, no more courage. For who will contend, who will endanger himself, for that which is not his own?"

\* In addition to this large number, specified in the return or schedule appended to the report, a yet greater number of craft of smaller tonnage are named; and between twenty and thirty ports and harbours are described as having incurred great losses, whereof no particulars are given. See Fuller's *Ephemeris*, 215-16.

to owners on their impressment for royal service. And not only had seamen been wronged by inadequate wages and uncertain payment, but by the want of hospitals for their reception, "as in other countries," when sick or wounded. "If after all their miseries," said the committee, "they return well, they are forced to sue for their due wages till all they have is spent, opportunity of new employment lost, and themselves so discouraged, or put out of heart that they run away to the enemy, or put themselves in foreign service, or betake themselves to anything rather than the sea life." And yet here lay the strength of England. In other parts of Christendom great labour had to be incurred, and enormous cost, to raise forts and walled towns for defence in time of war, serviceable only then; and vast was the charge to make engines and weapons to offend the enemy, of no use in time of peace: whereas the rampires and the bulwarks of England were her ships; and these, her weapons and engines in time of war, were in time of peace her best instruments of wealth, even useful to her as the plough and cart. But what availed the goodness and beneficence of heaven against the perversity and stubbornness of man? That which should have been her safety was become her shame; and on all sides were to be heard complaints that by the abuse of power in the hands of one subject, to whom everything had been committed by land and sea, the strength of the nation had been smitten into general incapacity.

All this was carried to Whitehall, and the ground finally laid for the conflict now felt to be impending. The king was determined to protect Buckingham, and the commons were at all hazards resolved to resume his impeachment. As they passed to their seats on the morning of the fifth of June, they heard that the lord keeper had been sent for unexpectedly by the king; and that, on his return, after brief and passionate

debate,\* the lords had adjourned their sitting to next day. All who heard this knew that the crisis was come. The Speaker of their own house was late; prayers had to be deferred; and rumour went about that Mr. Speaker Finch had again been sent for on the previous night and closeted with the sovereign, as too often had been his custom lately. On his arrival, when the leaders would have passed to the previous day's order for resumed consideration of the Remonstrance moved by Eliot, Finch signified his majesty's pleasure that they should hear from him another message. It was to remind them once more of his fixed intention to close their sittings on the 11th; and to command them "not to enter into any new business that might spend greater time, or that might lay any scandal or aspersions upon the state government or the ministers thereof."

A prolonged silence succeeded to this message; and to understand what next ensued, the reader must ever carry along with him the sense of what still was meant in England by the sentiment of loyalty to the throne. Eliot has described what it was at the opening of the reign,† and all that had followed since has not availed to break it down. Above their national disasters, their loss of esteem in foreign nations, the departure of victory from their arms, the ruin and decay of their trade, the injuries to their liberty and their religion; above all that had imposed on these brave and pious men, in the course they had chosen, the solemn necessity of advancing; there still strongly arose, at the sound of the voice which was bidding them go back, the irrepressible instinct of reverence and obedience. It was no mere lip-service that the leaders of the English people continued to render to their sovereign. Through every step of the scenes we have retraced this has been witnessed: in every fiery speech of Eliot, as in every grave and elaborate argument of Coke or Selden. The sovereign

\* See *Parl. Hist.* viii. 189.

† *Ante*, i. 219-21.

was yet to them on earth God's visible viceregent. Only one thing they recognized to be higher in this world, and it was that which now compelled them to resist him. No alternative was theirs but to obey the awful voice which at present drew them on, and which they verily believed to reach them from the Invisible and the Eternal. In it there spoke to them not alone the past and the future; the struggles and sufferings of their fathers, and the welfare of generations unborn; but, what even more concerned them, the still small inward utterance that bound each pious soul to its own obligation of implicit submission to God's will and law. "I hope," Philips had said on an occasion somewhat similar,\* "that every man of us hath prayed for direction before coming hither this morning." It needed such sustinment to carry them through the trial. The conflict had come at last which many had foreseen, but for which none were entirely prepared, and of which the issue was to determine as well their own future power and place as the destiny of England among the nations.

Sir Robert Philips rose first.† Was it indeed, he asked in words broken by emotion, that their sins were so many and so great that after all their humble and careful endeavour there should be so little hope for them? "I consider my own infirmities, and if ever my passions were wrought upon, it is now." He would check that sin of impatience if he could, but the effort was hard. What had they done to entail upon themselves such misery and desolation? What had they aimed at but to serve their sovereign and make him great and glorious? If this were a crime, they were all criminals. No object was it of theirs to have laid aspersions on the government. To give his majesty true information of his and their danger, was the duty to

\* See *Ante*, i. 94.† The debate will be found in *Rushworth*, i. 605-608.

which they were enforced by what they owed to him, their country, and posterity; and in such manner to be stopped as they were then enjoined, was to be deprived of the functions of a council. "I hear this "with exceeding grief, as the saddest message of the "greatest loss in the world." Yet would he have them still be wise, be humble, and address the king. It might be that no alternative should be left them but to seek their homes, and pray God to divert those fearful judgments now only too imminently hanging over them; yet would he have them first inform his majesty in what danger the commonwealth and state of Christendom were standing—Thus far, in difficult and broken sentences, this master of eloquence had spoken; but at his own picture of the jarring interests it was their hopeless task to reconcile, his further utterance failed him; "he mingled his words with weeping;" and sat down abruptly.

Eliot rose next; and if tears were in his eyes, it is probable that something else flashed out of them also. He began by telling them where duty first was due. "Our sins are so exceeding great, that unless we speedily "turn to God, God will remove himself farther from us." As plainly he then asserted the relation they stood in to their earthly sovereign; with what affection and integrity they had proceeded, up to that hour, to gain his heart; and out of what absolute necessity of duty they had been brought to the course they were in. No other was open to them. "I doubt therefore," he continued, striking again at the old mark, "a misrepresentation to "his majesty hath drawn his displeasure upon us. I "observe in the message, among other sad particulars, it "is conceived that we were about to lay some aspersions "on the government. Give me leave to protest, so "clear were our intentions that we desired only to vindicate from such dishonours our king and country. It "is said also, as if we cast some aspersions on his

"majesty's ministers. I am confident no minister, how  
"dear soever, can—"

The sentence never was finished; for at this point, suddenly, the Speaker started up from his chair, "and apprehending Sir John Eliot intended to fall upon the duke," told him, with tears in his eyes, that "there was a command laid upon him to interrupt any that should go about to lay an aspersion on the ministers of state."\* Without another word Eliot sank into his seat. To check freedom of speech in that house was to impose silence; and the scene that followed the significant action of Eliot is probably of all the incidents of history that rest upon indisputable record, the most startling and the most impressive.†

Sir Dudley Digges left his place to say that unless they might speak of these things in parliament, they had better rise and begone, or sit for ever silent; but tears stopped him, and in the middle of a sentence he resumed his seat. "Hereupon there was a sad silence in the

\* Rushworth (i. 606) reports the Speaker's expression to have been: "There is a command laid upon me that I must command you not to proceed."

† Mr. Alured, member for Malton in Yorkshire, uncle to Cromwell's friend, described the scene to his friend "old Mr. Chamberlain of the court of wards," in a letter already referred to, dated Friday the 6th of June 1628: "The house was much affected to be so restrained, since the house in former times had proceeded, by fining and committing John of Gaunt, the king's son, and others, and of late have meddled with and sentenced the lord chancellor Bacon and the lord treasurer Cranfield. Then Sir Robert spake, and mingled his words with weeping; Mr. Prynne [Pym] did the like; and Sir Edward Coke, overcome with passion, seeing the desolation likely to ensue, was forced to sit down when he began to speak, through the abundance of tears; yea the Speaker in his speech could not refrain from weeping and shedding tears; besides a great many whose great griefs made them dumb and silent: yet some bore up in that storm, and encouraged others. In the end, they desired the Speaker to leave the chair, and Mr. Whitby was to come into it, that they might speak the freer and frequenter; and commanded that no man go out of the house upon pain of going to the Tower. Then the Speaker humbly and earnestly besought the house to give him leave to absent himself for half-an-hour, presuming they did not think he did it for any ill intention; which was instantly granted him." *Memorials*, i. 609.



"house for a while."\* It was broken by Sir Nathaniel Rich, who spoke with strong emotion, urging them to desire a junction with the lords; and saying that it seemed to him not fitting, with king and kingdom in such calamity, to sit silent. It might indeed be more for their own security, but it could not be for the security of those for whom they served in that house. "Let us think of them!" exclaimed Rich; but even as he spoke tears checked his utterance also, and speech failed him. Then rose Pym, and with the like result. After him followed Sir Edward Coke, but no better success attended the tough old man. Seventy years of toil and struggle with every form of fierce discussion had not prepared him for this last worst battle-field. "Overcome with passion, seeing the desolation likely to ensue, he was forced to sit down when he began to speak, through the abundance of tears."

So wrote Mr. Thomas Alured, who saw it all. It has long now become unseemly in statesmen to shed tears. Happily such hours of supreme trial are few: and rarer still the men who have fronted them with unshrinking determination. These are the hours on which our human destinies revolve; which it takes centuries of the past to produce, and from which the coming centuries are born; out of which new ages date, and fresh habits and beliefs in men. While those tears were falling, associations that had long fenced round and guarded the English monarchy were dispersing and passing away. The very monarchy itself was trembling in the balance. For, such passions as were then exhibited carry with them and include events; and such forms of weakness only wait on a resolute and awful sense of duty to be done. The weeping of this memorable day, this "black and doleful Thursday,"† gave assurance of a resolve unyielding and very terrible; and the great statesman

\* *Rushworth*, i. 606.

† The expression used by Mede in writing to Stuteville.

whose life I am retracing, himself in no slight degree the author of the solemn scene, was probably one of the very few who saw it with a consciousness of all that it involved. Into the Present his genius had brought the Future. Its actual terrors he did not live to see; but their intense and fervid elements were here, and amid the tears of the grave, the pious, and the wise, those sorrowful days began.

"Then," writes Mede to Stuteville,\* "appeared such a spectacle of passions as the like had seldom been seen in such an assembly; some weeping, some expostulating, some prophecying of the fatal ruin of our kingdom; some playing the divines in confessing their own and country's sins, which drew those judgments upon us; some finding as it were fault with those that wept. . . . I have been told by a parliament man, that there were above an hundred weeping eyes; many who offered to speak being interrupted and silenced by their own passions." "Yea," Mr. Alured writes, as if the spectacle he was about to describe had especially impressed him, though alone in that assembly Sir John Finch might have wept out of shame for his disloyalty to the great office of which he was unworthy, "yea, the Speaker in his speech could not refrain from weeping and shedding of tears. Besides a great many whose great griefs made them dumb and silent. Yet some bore up in that storm and encouraged others." Netherfole was present also, and has painted the scene with a few additional touches.† Describing to the king's sister the royal message, he adds: "Thereupon it was moved by some that we should sit still and say nothing, since we might not have liberty to say that which tended to the safetie of the king and kingdom. Others thought that we ought not to do so, but employ the little time we

\* Dated 15 June 1628; Birch Transcripts in Brit. Mus.

† MS. S. P. O. Netherfole to the queen of Bohemia. Dated "Strand, this 7th of June 1628, Old Style."

" had left (all men apprehending a dissolution that morning)\* in making a short remonstrance to his majesty of the violation of the privilege of parliament by this message. Others would have had us gone to the lords with that complaint, and prayed them to joyne with us. The most part of the house fell a-weeping, in so much as divers, and mainly Sir Robert Philips, could not speake for weeping. Others blamed those that wept."

From one of those others, doubtless himself too craven for anything so manly as tears at such a time, may probably have dropped the saying that had the effect of suddenly bringing back the house to its old self-possession and composure. "Others said," remarks Rushworth, "that the speech lately spoken by Sir John Eliot" (the speech of the 3rd of June) "had given offence, as they feared, to his majesty." The words had scarcely been uttered when a formal resolution was moved and passed, declaring "every member of the house to be free from any undutiful speech from the beginning of the parliament to this day."† The next movement was yet more significant. It was ordered that the house should be turned into a grand committee to consider what was fit to be done for the safety of the kingdom. In other words, Finch was turned out of the chair, and freedom as well as frequency of speech secured.‡ A third direction followed: that the door be locked and the key given to the serjeant, who shall stand by the door, and that no man go out of the house upon pain of being sent to the Tower: whereupon, says Rushworth, "the Speaker, having quitted his chair, humbly and earnestly besought the house to give him leave to absent himself for half an hour, presuming they did not think he did it for any ill intention." They knew the intention for which he did it,

\* Alured's letter of Friday the 6th thus began: "Yesterday was a day of desolation among us in Parliament; and this day, we fear, will be the day of our dissolution."

† *Commons Journals*, i. 909.

‡ See *ante*, 188.

and that the king was then sitting in council. But permission was "instantly granted to him."\* It was best that he should thus be absent, from the house as well as from the chair.

For, now had come the turn of those who "bore up against the storm," and from the first who spoke there broke a lightning flash across the gloom. This was Eliot's friend, Edward Kyrton, the member for Bedwin, who, upon the house resolving itself into a grand committee with Mr. Whitby in the chair, got up and said that their king was as good a prince as ever reigned, but he had been prevailed with by enemies to the commonwealth, whom it should now be their aim to discover, and he hoped they had hands, hearts, and swords wherewith to cut the throats of such enemies to the king and the state.† Their Speaker, he added, had desired to leave the house in such manner as before was never heard within those walls, and he looked upon it as of ill omen. Then after a word or two from Christopher Wandesforde, Sir Edward Coke again arose; and this time speech did not fail him.

He began by saying that the temper and moderation they had displayed, after such violation of the subjects' liberties as had been committed, was without example. Let them take it to heart. Let them call to mind if, in the reign of the third Edward, they were in any doubt

\* *Rushworth*, i. 609. "At which time," writes Mede to Stuteville, "Mr. Speaker, not able, as he seemed, any longer to behold so woful a spectacle in so grave a senate, with tears flowing in his eyes, besought them to grant him leave to go out for half-an-hour."

† The versions of Kyrton's speech vary somewhat, but they agree as to these words. In the *Commons Journals* (i. 909), where mention is made of Kyrton's appearance at the bar of the house on the following morning, upon complaint from the privy council, to answer for his language, on which occasion he was adjudged to have said nothing beyond the bounds of duty and allegiance, the house declaring that "they all concurred with him therein," the expression used is that in the text. And see *Parl. Hist.* viii. 199. Netherstole also confirms this in his letter to the king's sister (MS. S. P. O.). In later years Kyrton went over to the court with Hyde, Strangways, and Falkland.

in parliament to name men that misled the king? Had they not sent to the Tower, for misadvising him, Lord Latimer, Lord Nevile, and the king's own son, John of Gaunt? And now, when the state had fallen thus low, were they to hold their tongues? How should they answer so their duties to God and men? Had not parliament, in the seventh and eleventh of Henry the Fourth, removed from the person of the king a council which had dissuaded him from the common good? Had there been one example of abuse of the prerogative, in their long line of kings, which that house had not claimed the power to treat of? And why now were they to be tied from that way, and no longer permitted to name those that were the cause of all their evils? Had not his present majesty, when prince, himself attended the upper house while they of the lower impeached the lord chancellor Bacon and the lord treasurer Middlesex? What then were they to do? Alas! they had palliated too long. The pass to which things were come convinced him that he had himself been in error in counsel he had given.\* He now saw God had not accepted of their humble and moderate carriages and fair proceedings; and he feared the reason was that they had not dealt sincerely with the king and country, and made *a true* representation of the causes of all those miseries. For his part he repented that this had not been done sooner; and therefore, not knowing whether he should ever again speak in that house, he would now do it freely, and so did there protest that the author and cause of all those miseries was—

\* The allusion is manifestly to the deliberations of the leaders at the opening of parliament, when Eliot's advice was overruled. See *ante*, 114-115. I quote the exact language of Alured's letter: "He now saw God had not accepted of their humble and moderate carriages and fair proceedings; and the rather, because he thought they dealt not sincerely with the king, and with the country, in making *a true* representation of the causes of all these miseries, which now he repented himself, since things were come to this pass, that we did it not sooner; and therefore he, not knowing whether ever he should speak in this house again, would now do it freely; and there protested that the author and cause of all those miseries was the Duke of Buckingham." *Memorials*, i. 610.

THE DUKE OF BUCKINGHAM. — Rising into strange vehemence at the shouts of assent that on all sides burst forth at the name, the brave old man went on—*That man* was the cause of all their miseries, and, till the king were informed of it, they would never leave that house with honour or sit with honour in it. *That man* was the grievance of grievances. Let them set down the causes of all their disasters, and they would all reflect on him. It was he, and not the king, who had told them not to meddle with state government or its ministers. “I would have you proceed, then, with the Remonstrance which a worthy gentleman has moved.\* We have nothing to do with the lords in this matter, for the lords are not participant with our liberties, and it is our liberties that now are impeached!” “Which was entertained and answered,” writes Mr. Alured, “with a cheerful acclamation of the house.”

It rings out upon the ear even at this distant time, the *Well spoken!* and the *Aye, aye!*—the *Hear, hear!* of those days—amid which Sir Edward Coke sat down. It was a fitting close to an illustrious and long career; as he truly had foretold, his battles within those walls were done; and the grateful shouts that now on all sides rose around him proclaimed his last forensic victory. There was also, says another of the reporters,† a great outcry of *The Duke! The Duke! 'Tis he! 'Tis he!* Mr. Alured heard it; himself indeed took part in it; and remembered his hunting days in Yorkshire. And “as when one good hound,” he wrote to his friend, “recovers the scent, the rest come in with a full cry, so we pursued it, and every one came on home, and laid the blame where he thought the fault was.” No lack was there now of speakers against Buckingham.

\* This allusion is to Eliot. That which follows had reference to the suggestion of Sir Nathaniel Rich.

† In the Harleian Collection: I have mislaid the exact reference. Something similar is given in the Napier MS, *Parl. Hist.* viii. 194.

For hours the debate continued,\* Sherland, Kyrton, Knightley, Ashburnham, Croft, Philips, Whitaker, Pym, and Selden, successively taking part in it. All were bitter and uncompromising, and not a single privy councillor or partizan of the duke dared even to ask a hearing. The long-pent flood of fierce invective carried everything before it with resistless force. Upon Buckingham were charged the innovations in religion, the national disasters, the waste at home and treachery abroad, the misgovernment and the evil counsel. And then Selden struck the last and heaviest blow. "All this time," he said, "we have cast a mantle on what was done last parliament; but now, being driven again to look on that man, let us proceed with what then was so well begun. Sir, I move that we now renew the charge which was opened last parliament, and to which the answer made by him was so insufficient that we might on that very answer alone have demanded judgment." To that there was general assent; but it was held to be the advisable course, having resolved upon such revival of the impeachment, that the first step should be to name the duke in their Remonstrance; and to this they proceeded accordingly.

Meanwhile a scene of interest hardly less intense had been in progress at Whitehall. When the Speaker craved permission to leave the house, he had named half an hour as the limit of his absence; but more than three hours were now passed, and he had not returned. During the whole interval he had been with the king and the duke; and even when he left them at its close, it had not been determined finally whether parliament was to continue or be dissolved. The latter desperate course involved rejection of the bills of subsidies, and the duke had the good sense to oppose it at his own peril, though he seems to have stood out still as obstinately

\* Brief record of the speeches will be found in the MS. cited in the *Parl. Hist.* viii. 190-6.

as the king himself against any concession of the Petition of Right. That hard necessity, however, could not much longer be averted. Finch was sent to the house with a message simply requesting them to adjourn until the next morning, when they should certainly know his majesty's pleasure; and Netherfole afterwards told the queen of Bohemia that her brother and his friend had remained still in council, after Finch left them, far on into the night.

The Speaker reappeared in the house at a critical time. Various heads for the Remonstrance had been successively voted, "wherein he that had the chayre was called on to putt the question, and had putt all save the last touching the duke" (whether he should be *named*), "and was rising to putt that, when at that very instant the Speaker returned." "They were then calling to the question," writes Mede, "when the Speaker came in; but they stayed to hear his message."\* Having heard it, they immediately adjourned: doubting what the message portended or the morning might bring, but bent upon resuming the Remonstrance if they continued to sit. Concluding his letter to his friend on that Friday the sixth, Mr. Alured writes: "What we shall expect this morning, God of Heaven knows! We shall meet timely, partly for the business' sake, and partly because two days since we made an order, that whoever comes in after prayers pays twelvecence to the poor."†

Prayers in those days were said before eight o'clock, and we may imagine honourable gentlemen, as they gathered towards Westminster on this anxious morning from Hat-

\* "This," adds Mede, "is observable (I hear it from a parliament knight) that, had not the Speaker returned at that very moment, they had voted the duke a traitor and arch enemy to the king and kingdom, *with a worse appendix thereto, if some say true.*"

† Alured's letter closes thus: "Sir, excuse my haste, and let us have your prayers, whereof both you and we have here need. So, in scribbling haste, I rest affectionately at your service, Thomas Alured. This 6 of June 1828."



ton-garden, Fetter-lane, Drury-lane, the Strand, St. Martin's, and other fashionable quarters, either quickening their paces or preparing their twelpences for the poor, when they heard St. Margaret's chimes. Through unusual groups of earnest bystanders they probably passed as they neared St. Stephen's chapel; for intelligence had gone abroad of the scene of yesterday, and witnesses had been summoned to give evidence as to certain grave charges that were to-day, if the house escaped dissolution, to be imported into the Remonstrance. Enquiry was to be made this morning as to the alleged intentions of the king's minister to have brought over into England, at the time of the great excitements on the eve of the elections to this parliament, detachments of German cavalry and infantry to coerce the people to obedience.\*

After prayers the promised message from the king was delivered by Finch; conciliatory but vague, and showing that the fate of parliament and the Petition still hung in the balance. Whether to save the duke, the one or the other or both were to be sacrificed, was yet undetermined. But that Eliot's speech had occasioned the subsequent excitement was revealed plainly. "His majesty by the Speaker," writes Netherfole, "expounded himself to have had no intention "to forbidd us the naming of any man who could "be proved to be corrupt in judicature, *or to be a pensioner of Spain or France*: but that he would have "no man complayne of his having given him counsel, "since that must needs have a reflexion on him. Mr. "Speaker made a comment upon this message as of "himself, but without doubt by direction; and therein "declared *his opinion*, that if we desired a better answer "to our Petition we might have it. But the house "thought it not fit to do so.† They resolved to go on

\* See *ante*, 97-98.

† MS. S. P. O. Netherfole gives a reason also, which is absurd enough:

“with their Remonstrance, and that day insisted on many things, namely on the horse beuied by Sir W. Balfour,” &c. Rushworth gives the Speaker’s answer with curious addition, and a more precise allusion to Eliot. It had not, he said, been his majesty’s intention to protect any abettor of Spain. He had been himself with his majesty yesterday; but he hoped the house would think he had thereby done nothing, nor made any representation, but what was for their honour and service; for, might his tongue cleave to the roof of his mouth before he would speak to the disadvantage of any member thereof!

So piteous was the appeal that Sir Robert Philips prefaced with a word of comfort to Mr. Speaker his few manly words of comment on the message of the king. He believed Sir John Finch to be a good Speaker and a good man, he said; but let no man convey to his majesty the impression that what lately had passed in that house had been out of fear. Rather let the king be told that they came thither freemen, resolved ever to endure the worst; and that they were poor men that made such interpretations of parliaments. Such was their course that if anything in the kingdom fell out unhappily, “it is not king Charles who advises himself, but king Charles misadvised by others and misled by “misordered counsel;” and while no aspersions would be laid on him, with those others must rest the responsibility.\* When Philips resumed his seat, Kyrton presented himself to ask judgment upon the words complained of the previous day; whereupon he was told that he had

“because to desire a better answer to the Petition could not be done without showing the defects of that was already given, which would make it worse if a better should not come afterward.” The real reason doubtless was, that they treated the suggestion as merely intended to draw them off from the consideration of their Remonstrance; and that it was not for one house, but both, to go up to the king with any address respecting a bill which both houses had passed. This, as will immediately be seen, was the course really taken.

\* *Memorials*, i. 610–11.

said nothing beyond the bounds of allegiance, or in which all then present did not concur. And then, says Mede, they examined the transporting of ordnance, the felling of the powder in the Tower, the matter of the Dutch horses &c, in preparation of their Remonstrance: until there came an unexpected message from the lords. "Their lordships desired the house of commons to join with them to petition his majesty for another answer to the Petition of Right: which they gladly accepted of. I was then in Westminster-hall." Notwithstanding, he adds: "The next day, Saturday June the seventh, the commons continued as before in making ready the Remonstrance."

It is important to observe these details, for upon them very much of the future turns. The commons have been charged with a want of generosity to the king in persisting with their Remonstrance after the Petition had been consented to: \* but so far from any compact existing by which the one should be abandoned on the other receiving sanction, Finch had tried to bring about an understanding of that kind and had failed; and though the king doubtless hoped to save his minister by the course he took, the commons were under no engagement but to pass their bills of subsidy.

The subjects which exclusively occupied them from the hour of their meeting on Saturday the seventh until past midday, were those of the two commissions, secretly

\* Hume remarks: "As it" (the Remonstrance) "was the first return which he met with for his late beneficial concessions, and for his sacrifices of prerogative, the greatest by far ever made by an English sovereign, nothing could be more the object of just and natural indignation." *Hist. cap. li.* Yet in the same chapter the historian had stated, no doubt truly enough, that it was (not to do what was just, or make "beneficial concessions" to the people he governed, but) "in order to divert the great tempest ready to burst on the duke," that the king had consented to the Petition and sacrificed his prerogative. Nevertheless, even Hume cannot refrain from the admission that the "ill-humour" of the commons had been "so much irritated by the king's frequent evasions and delays that it could not be presently appeased by an assent which he allowed to be so reluctantly extorted from him."

issued before the elections; the first for imposing by royal authority excise duty and other taxes on merchandise, and the second for a levy of foreign soldiers to enforce that illegal taxation by overawing parliament.\* That this was the intention, and had been advised by Buckingham, there can be no doubt. The king's plan, by the admission of Hume, was to "raise the prerogative to the greatest height and render parliaments entirely useless;" and to bring over an army from abroad to carry out this plan, was further proof, in that historian's opinion, that he had fallen at last on the only method likely to be effectual. Yet the mere necessity of foreign help should have convinced its author of its hopelessness; and it was madness to have issued such commissions without the power of either enforcing or concealing them. They were now openly produced in the house of commons. In the first the duke had associated with himself all the principal officers of the kingdom; and the second had been entrusted mainly to Balfour and Dalbier, who were known to be the duke's especial creatures.† By Kyrton, Windham, Sir John Maynard, and others, both projects were fearlessly exposed; and one of Eliot's friends who represented a Cornish borough, Mr. Parker, plainly told his fellow-members that the intent of bringing over those German horse was to keep them at their obedience or to cut their throats. In the heat of the debate came a message from the lords. It was to propose that the terms of their joint address, agreed to the previous day, should

\* See *ante*, 97-8, and note. The commissioners were empowered to levy money by impositions or otherwise, "where form and circumstance" must be dispensed with, rather than the substance be lost or hazarded."

† See *ante*, 78, 79, and 97. The Maynard in the text is not, as a former allusion (i. 387) implied, the Serjeant Maynard of later years. This was an Essex man, second son of Burghley's secretary, and brother to the first Lord Maynard. He had secret relations with Buckingham, even while acting apparently against him; and, probably, wrote the "Jesuit's Letter" (*Rush.* i. 474) as a joke in his interest, though it certainly displeased him. Truth, even in jest, is a tool with dangerous edge. MSS. S. P. O. June, 1628.

be for "a clear and satisfactory answer in full parliament to the Petition of Right." Laying aside further debate, the commons consented; and named their members to accompany the lords.

But the incidents of the morning had struck the king with alarm, and he anticipated that attendance of the houses with their address by sending word suddenly that he would himself in person attend them to receive and to answer it. The message did not reach till after the dinner hour, when many were absent. "I dined," writes Mede, "with Sir R. Brooke, at his brother's house close by the Palace-yard, and sat with him till two; at which time he made haste again to the parliament house, there being then not so much as a suspicion of his majesty's coming to the house, as having not yet been moved by both houses as was agreed. Nevertheless about four o'clock news comes his majesty was coming to parliament."

Even then there was a lingering doubt whether dissolution was not intended; and we learn that no exultation was shown by those who were in the house when Black Rod appeared. But as they followed him to the lords, members crowded hurriedly from all sides into the passages, and the scene changed. The purpose for which they were so unexpectedly gathering together had become known; and that from this summer afternoon was to date the enactment of a law more directly and largely contributing to the glory and happiness of England than had been wrested from any of her sovereigns since the Charter of Runnymede.

While yet the commons crowded to the bar, the lord-keeper had spoken the joint-message of the two houses, and the space below the throne was completely filled when the king began his reply. Expressing regret that his previous answer should have failed to give full satisfaction, he said that, to avoid all ambiguous interpretations, and to show them there was no doubleness in his

meaning, he was willing to measure them as well in words as in substance. Already he had received the clerk of the parliament to cut out that first answer from the journals, and had handed it into it writing the answer he wished to substitute. "Read your Petition," he now cried, "and you shall hear that which I am sure will please you." There followed this, says a marginal note in the journal of the lords, "a great and joyous cry," which burst into general shouts of acclamation when the *last word said came to it* *before* followed the reading of the Petition. Then said the king, as he turned to quit the throne, "I have done my part. Wherefore if this parliament hath not a happy conclusion, the sin is yours: I am free from it." And with such sounds ringing in his ears as he had not heard since his accession, he moved away.

The sin he was not free from at that moment was the worst he could have committed. He was not dealing sincerely with his people. He had consented to the Petition, not with the intention honestly of giving effect to it, but to get possession of the money voted, and to save his minister. Merely to have given the consent was with him to have "done his part;" and the only part he would have left to the house of commons was to pass the subsidy bills and abandon their Remonstrance. Yet no man better knew, as he proved by his secret consultation with his judges, that during the hours that had elapsed since he entered the lords' house that Saturday afternoon, he had by his own act resettled his relations to his subjects. It is not necessary to agree with those who declare the Petition to have been a change in the government equivalent to a revolution;\* but what the commons practically asserted in so determinedly cleaving to the resolutions embodied in it, the king substantially admitted by so

\* Hume (in his *History*, cap. li.); who cannot however refrain from adding that "by circumscribing in so many articles the royal prerogative," it gave "additional security to the liberties of the subject."

desperately attempting to evade them. It had brought within strict limits the seldom-defined and insensibly-increasing power of the prerogative, and it had given a certainty of direction and operation to the old laws. In which sense frankly to have accepted it, would now have saved the monarchy from every impending danger.

Before describing in what way, by king and by people, it was really accepted, we are called to retrace our steps a little. During the many weeks it has occupied from preparation to enactment, other matters have been discussed in which Eliot bore a not less conspicuous part, and, to complete the record of his life, they now require attention.

## VII. ELECTION AND OTHER COMMITTEES.

Nothing interested Eliot more than the questions raised by disputed elections. No one stood up so prominently for the general rights of freeholders in counties, or more zealously assisted particular boroughs to recover ancient franchises. He was one of the first members named on the committee of privileges at the meeting of parliament; and a brief mention of the leading cases of which he had charge, with their results, will show the character of his exertions.\*

A very few days after the opening of the session we find him speaking† in strenuous defence of the right to

\* In the course of my researches I have found interesting proof of the assistance upon questions of this kind, as in matters formerly instanced (i. 490), rendered by Hampden to Eliot. Though in the leading subjects of the session that great name does not appear, his notes as to election cases are among Eliot's papers; and upon close examination of the Journals we find evidence of the quiet unobtrusive way in which his services were given, and of the slow but steady advance he was making to a higher sphere of exertion. Between March and April his name appears on a few committees, chiefly in connection with bills affecting recusants, scandalous ministers, or charities; but in the middle of May he is interesting himself as to tonnage and poundage, and ecclesiastical persecutions, and from that date to the close of the session had taken a more important place among the leaders.

† *Ante*, 107, note.

vote of the inhabitants of Newport in his own county, against an "ancient custom" that would have deprived them of it. The graver questions involved in his own election\* he was necessarily precluded from taking part in; but it indicates the position he held in the lower house, that, by a special vote three days after they met, an enquiry into the circumstances of the Cornwall county election, and of certain letters relating thereto written by deputy-lieutenants and magistrates of the county, was referred to a committee presided over by Sir Robert Cotton, and of which the other members were Coke, Philips, Wentworth, Selden, Seymour, Pym, Rudyard, Herbert, Strangways, and Alford. The result of their labours will shortly appear.

Petitions from two other counties, Warwickshire and Yorkshire, opened up questions of some importance. By the first the high-sheriff was made subject to penalties for failing within a certain time to return the two knights of whom election had been duly made. It was also further determined that petitions were receivable by the Committee on behalf of an alleged return, whether or not disputed by the sheriff, if presented within fourteen days next following that date; and that all election petitions were in future to be presented within the same interval after return made.† The point settled by the Yorkshire election had wider significance. Wentworth had carried this return not only against his old enemies the Saviles, but against the influence of the crown; and the principal question started was, whether claimants to vote who refused to declare their names were not thereby disabled to be electors. It appeared that during the days of the election men presented themselves at York, who, having braved the displeasure of the officers of the Northern Presidency in refusing to vote for the Saviles, had, at the polling booths, after offering proof of their possession of forty-shilling freeholds, of their

\* *Ante*, 106-111.

† *Commons Journals*, March 20.



residency, and of their not having before polled, refused to declare their names. Their votes were nevertheless held good; on the ground that, as it might be inconvenient to have them set down their names, "because" notice might be taken of them to their prejudice," it was not necessary to insert the names in the indenture.\* A clumsy expedient; but for want of a better it had the decisive support of Eliot, who desired at all risks to protect the elector in the exercise of his vote. Eliot's feeling as to the member for Yorkshire, whose seat was here disputed, has been shown; yet it was mainly to this old antagonist and rival that Wentworth appears to have been indebted for his seat in the third parliament.

The same points generally were at issue in the majority of the disputed borough elections. At Warwick the question was whether the mayor and common council, or the commons in general, should return the member; and decision was for the latter. A counter-petition had in this case been got up by the mayor and council, which two hundred of the commoners had been induced to sign, disclaiming the right: but the committee rejected it, resolving upon the question that the right of election belonged to the commonalty, and if but one commoner sued for his right they would hear him.† At Colchester the dispute was between the bailiffs, aldermen, and common council, who to the number of forty-two met in an upper room, and the much greater number of "the common sort of burgeses" who assembled in the lower and larger room. The claim of the first was alleged to be one of prescription; but it having been shown in reply that until Richard the First there were no bailiffs, and from that reign till Edward the Fourth no common council, the title of prescription was disallowed, and the power of election adjudged to

\* "Resolved, That if an elector or freeholder being, by the sheriff "upon the poll, demanded his name, shall refuse it, he is not disabled to be an elector."—*Commons Journals*, April 17.

† *Commons Journals*, May 31.

## VII. Election and other Committees.

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Petitions from two other counties, Warwickshire and Yorkshire, opened up questions of some importance. By the first the high-sheriff was made subject to penalties for failing within a certain time to return the knights of whom election had been duly made. It also further determined that petitions were received by the Committee on behalf of an alleged re-election whether or not disputed by the sheriff, if presented within fourteen days next following that date; and that all election petitions were in future to be presented within the same interval after return made.† The settlement by the Yorkshire election had wider significance. Wentworth had carried this return not only against old enemies the Saviles, but against the influential crown; and the principal question started was claimants to vote who refused to declare their intention not thereby disabled to be electors. It appeared during the days of the election men presented themselves who braved the displeasure of the House in refusing to do so. The Yorkshire election was a landmark in the history of the House of Commons, and the first time that a petition was presented to the House of Commons by a private individual.

the common sort of burgesses exclusively.\* At Lewes, where neither mayor nor bailiff existed, and the election had been by a small number of constables, it was altogether taken from them and given to the inhabitants.† At Coventry, where the return was of two "gentlemen of worth" for whom there had voted a majority of six hundred of the freemen in whom the right of election was admitted to rest, but where the return was nevertheless disputed on the ground that the elected were not freemen themselves, and not even resident in the borough, it was resolved, upon the statute of the first of Henry the Fifth, that the election was good.‡ At Bridport the question was whether the election resided in the commonalty in general, or in two bailiffs and thirteen capital burgesses claiming by prescription; and the decision was in favour of the commonalty, the return being held void "in respect of no warning to them."§ At Boston, upon similar dispute between a select number and the commonalty, it was again decided for the latter; and further it was declared that nothing might avail to restrict such rights but a prescription and constant usage beyond memory.|| In all these cases Eliot took earnest share, and never but in behalf of the more extended franchise.

\* *Commons Journals*, March 28.

† *Commons Journals*, March 29.

‡ *Commons Journals*, April 9.

§ The summary in the *Commons Journals* is sufficiently curious to be appended: "The question is, whether the commons or only the two bailiffs and thirteen capital burgesses are electors, the last claiming that sole power by prescription, proved by two witnesses for forty years. A certificate of disclaimer under the hands of 80 commoners offers to justify upon oath and could have proved it by 40 more. On the other hand, records, 1 6 Ed. VI, indenture returned *per ballivos per assensum communis*; 2 and 3 Philip and Mary, election returned accordant; 1 Eliz. accordant; 1 Jac. accordant. Proved by two witnesses, above 40 commoners gave voice; 1 Jac. By another, 60 years ago the commons had voice. *Resolved*, upon question, The commonalty in general ought to have voice in the election of burgesses for parliament. Secondly, the election is void in respect of warning to the commonalty. A new writ." April 12.

|| *Commons Journals*, May 7.

For illustration of another kind of claim which he was not less eager to promote, the cases of Milborne Port and Webley may be cited. These were places petitioning to be restored as ancient boroughs, on the ground that long discontinuance did not forfeit the right; and much curious learning was displayed in the arguments. Both boroughs, it seemed, had returned members to the parliaments of the 26th and 28th of Edward the First; but, between that date and the 3rd of Edward the Second, it was shown that the records of no less than fifty-two parliaments had perished, and it was presumed that the cause of discontinuance in the instances in question had been inability to pay the sitting members their wages; whereupon it was held that such discontinuance could not involve loss or forfeiture, because this elective right was not a franchise in the nature of a possession or privilege, but of a service *pro bono publico*. The resolution of the committee, therefore, was for restoration to both boroughs of the right of returning members.\*

While the time of the privileges committee was thus occupied, the Cornwall election had not only made much demand upon the special committee to which it was referred, but had largely trespassed on the attention of the house generally.† After their second sitting the special committee reported the undue practices, to prevent a free election, of those Cornish deputy-lieutenants and justices of peace who had assumed of themselves, in virtue of what they termed an ancient custom, to name and elect beforehand Mr. John Mohun and Sir Richard Edgecombe; who had announced such illegal choice to the high-sheriff and other gentlemen and freeholders, in letters despatched by the posts appointed for his majesty's special service; and who therein had branded Sir John Eliot and Mr. Coryton, the worthy

\* *Commons Journals*, May 1.

† See *ante*, 108-112. The circumstances are there sufficiently detailed on authority of the report in Sir Robert Cotton's handwriting, which I found among Eliot's papers.

persons then standing for a free election, as unquiet spirits having perverse ends, being in his majesty's ill opinion, and aiming at objects respecting not the common good, but such as might breed mischief to the state. Thereupon the house ordered, by special vote, that Sir Richard Mohun, Sir Barnard Grenville, Sir William Wray, Sir Richard Edgecombe, Mr. John Mohun, Mr. John Trelawney, Mr. Edward Trelawney, Mr. Richard Trevanion, and Mr. Walter Langdon be immediately sent for. The privy councillors resisted this vote, and, on being defeated, moved that the serjeant despatched to bring them up might take bail for their appearance. This, by a still larger majority, was rejected; and a further resolution voted "to give no such direction; but "the serjeant at his peril to bring them up, upon the "warrant directed to him in the usual form."\* "My "most gracious lord," wrote Bagg to Buckingham in much alarm from Plymouth on the 29th of March, "I "understand the honest western gentlemen where [who] "for there duety to his ma<sup>tie</sup> or service to there country "desir'd Ellyott and Coryton not to stand for knightes, "and [are] by the lower house sent for! I cannot at "this instance thinke other but that act of thers to be "grounded upon the information of others. I sorrowe "that they have so resolved! That those gentlemen, "truest and best affectinge his ma<sup>ties</sup> hono<sup>r</sup> and service, "should be so troubled! God give this parlam<sup>t</sup> a "happie end, and me the hono<sup>r</sup> to the end to contynue "you<sup>r</sup> grace his most humble slave."†

Buckingham had not waited for Bagg's hint. Upon the first move of the committee the most strenuous resistance to it appears to have been determined on, and to have received the sanction of the king. Word was sent down to Cornwall to assure the persons under question

\* *Commons Journals*, 20th, 21st, and 22d of March.

† MSS. S. P. O. Bagg to "my lord the Duke of Buckingham his "grace lord high admiral of England." Plymouth, 29th of March 1628.

of the countenance on which they were to rely ; and for a time it was believed that the commons would be baulked of their prey. As usual, it was a miscalculation of forces.

The message was despatched to its destination, doubtless through Bagg, and reached Cornwall before the commons' messenger. Four of the magistrates, with the Mohuns, were engaged at the time in sessions business ; but Trevanion, Grenville, and Edgecombe, happily for themselves, were absent : the first having been taken " sixty miles away " by domestic affairs. Time being thus afforded them, they had the sense to profit by it. On the part of Grenville and Trevanion, explanations were subsequently offered, such as the house could only have treated as insufficient by direct collision with the king, which at the moment they had special reasons for avoiding ; and Edgecombe, a few weeks later, presented himself voluntarily before the committee with the personal apology and submission quoted on a previous page,\* which the house at once accepted.

It was towards the middle of April that the serjeant at arms presented himself in Cornwall, and served his warrant on its magnates for immediate appearance at the commons' bar. An insulting message in writing was the only return vouchsafed. In the form of a declaration or petition to the commons' house, they informed " the right worshipful " the Speaker,† that the persons whose appearance in London was required by parliament were at that time serving his majesty in Cornwall ; that the business of sessions was then in hand, and they could not neglect his majesty's affairs ; that they had to administer martial law by the hanging of one Erby ; ‡ and

\* *Ante*, 110.

† This mode of address was adjudged, as undoubtedly it was meant to be, contemptuous.

‡ The full offensiveness of this allusion can only be understood by remembering that the commons were at this time publicly remonstrating with the king against all such lawless superseding, in time of peace, of the ordinary tribunals.

that they had to affeſs certain wages of ſervants, and take ſurety of an alehouſe-keeper. They could not poſſibly attend to the ſummons of the houſe, therefore, for a fortnight at leaſt; but they hoped they might then be able to do ſo. The paper was ſigned by Edward Trelawney, Walter Langdon, Sir William Wray, and John Trelawney; the latter of whom was reported to have ſaid, in ſigning it, that he ſaw ſmall uſe in doing ſo, as he expected parliament to be diſſolved in a very few days. Neither of the Mohuns, father or ſon, affixed his name to it; but it was found afterwards to have been drawn up by a perſon who acted as clerk to the younger Mohun.

It was immediately voted a high contempt; and a reſolution of a more ſtringent kind was paſſed to make compulſory, within the fortnight, the attendance of all the perſons implicated. That was on Monday the 21ſt of April. The court had ſaved meanwhile the leading culprit. Only ſix days before, John Mohun's patent of peerage had been ſigned; and on the 24th, formal demand was made on his behalf as peer of the realm, to have his name omitted from the warrant. This was acceded to; and on the following day, upon representation of the "great age and infirmity" of his father Sir Reginald Mohun, the houſe with characteristic generoſity voted his exemption alſo; as having acted under influence from his ſon, and therefore not fit to be puniſhed while the other went free.

The ſecond journey into Cornwall of the ſerjeant-at-arms was more ſucceſſful than the firſt. The 8th of May ſaw, in cuſtody at the bar of the commons, the four juſtices who had ſubſcribed the offensive declaration, offering ſecurity for further appearance when required. Four days later Sir Robert Cotton preſented the report from the ſpecial committee of which he was chairman; and the four Corniſh gentlemen were again at the bar. They were kept apart and ſeverally queſtioned, each

giving answer "on his knees." The letters written against Eliot and Coriton were shewn them. Three confessed generally that such had been despatched by them; but to one of the letters Sir William Wray declared that his name had been put without his knowledge. All four admitted, however, that they had set their hands to the paper with its "unmannerly" address to the "right worshipful" the Speaker, brought back by the serjeant on his delivery of the original warrant; and being more closely questioned, they added that the paper was drawn up by one Peter Hendon, clerk to the new Lord Mohun. Observing then the high displeasure of the house, they claimed to be heard in their defence by counsel. This was conceded; on the following day, Tuesday the 13th of May, they were heard accordingly: and at the close of the arguments, Mr. Walter Langdon and Mr. John Trelawney were ordered to be sent to the Tower, there to be kept until they made full acknowledgment, not alone of their offence against the liberty of free election, but of their contempt of the authority of the house; Sir William Wray and Mr. Edward Trelawney being similarly directed to be retained in the custody of the serjeant-at-arms.

A question then was raised which led to renewed and sharp debate. It was proposed that, besides the acknowledgment thus required by the house, they should be compelled also publicly to acknowledge their offence at the next assizes for the county of Cornwall. This was resisted with such unusual warmth by the council, that many who before had voted with the majority went over to the other side; but Wentworth flung into the scale against the court his eloquence and impetuosity, and weighed it down. By a majority of 220 to 185 the order was made, Wentworth being teller for the majority.\*

\* *Commons Journals*, May 13, i. 897. It was referred to Wentworth, Coke, Selden, Philips, Glanville, and Seymour, to draw up the form of acknowledgment.



The Cornishmen, refusing to make the required submission, remained in their respective places of custody until the prorogation. They had petitioned the king for release on the third of June;\* but while the houses still sat, such interference with their authority in a matter of privilege might have overtaxed even the audacity of Buckingham. One hour had not passed, however, after the dismissal of the parliament, when, on that same 26th of June, the king signed the warrant to Sir Allen Apsley for release of Langdon and Trelawney; on the same day Conway also wrote to Apsley that the king would pay all the charges of their imprisonment; and four days later Trelawney was made a baronet, with remission of the ordinary fees. The last was a special favour accorded on the express petition of Bagg.† In all this, the leading motive beyond

\* MS. S. P. O. Dom. Ser. cvi. 14. The petition (bearing endorsement as received "3<sup>o</sup> Junij 1628") is sufficiently curious to justify my quotation of a part of it: "Shewing unto yo<sup>r</sup> sacred Ma<sup>tie</sup> that whereas by "the instant informacons of S<sup>r</sup> John Elliott K<sup>t</sup> and W<sup>m</sup> Coryton Esq<sup>r</sup> "suggested unto the Comons House of Parliam<sup>t</sup> against us wee were sent "for by a messenger of that honorable house to answer unto what should "be objected against us for *the writing of two lres* wherein wee advised "the s<sup>d</sup> S<sup>r</sup> John Elliott and M<sup>r</sup> Coryton not to stand for the places of "Shire K<sup>tes</sup> for the County of Cornewall whereto wee were moved by iust "reasons w<sup>ch</sup> in a schedule we have hereunto annexed And whereas upon "our apparance before that house wee were censured guilty of a contempt "for that we came not p<sup>s</sup>ently away upon sight of their warrant, albeit "wee returned our answere in w<sup>riting</sup> by the messenger craving a "fortnightes time for expediting important services for yo<sup>r</sup> ma<sup>tie</sup> and our "country in pressing of souldiers and mariners and executing of martiall "lawe and the sessions busines then at hand: And whereas for subscribing "to our foresaid letters about the said Eleccon and for the said ptended "contempt in w<sup>ch</sup> nyne of us were equally active; yet they p<sup>r</sup>mitting fine, "haue pickt out us fower and censured us; two of us being comitted "prisoners to yo<sup>r</sup> ma<sup>ties</sup> Tower of London and the other two unto the Custody of the sergeant at armes: We do now humbly beseech yo<sup>r</sup> ma<sup>tie</sup> to "take these p<sup>r</sup>eedinges against us into yo<sup>r</sup> p<sup>r</sup>udent consideracon and to "foresee how daungerous the president of our sufferinges here in may proue "for the discouraging of yo<sup>r</sup> best affected subiectes. Our loyall hearts unto "yo<sup>r</sup> ma<sup>tie</sup> and the generall good of the weale publique haue drawn us "into this imprisonm<sup>t</sup> w<sup>ch</sup> will rest as a p<sup>r</sup>petuall disgrace upon us in our "country unles yo<sup>r</sup> ma<sup>tie</sup> shall be pleased by some good way to repaire us "in our reputacons."

† MS. S. P. O. 22nd June, 1628. In the same letter this worthy man

doubt was a bitter personal hostility to Eliot ; but the king and the duke had also a spleen to gratify against those leaders of the house who had sustained him successfully against the opposing influence of his county, backed by the power of the council ; and handsomely to accept such a defeat was not in the nature of either. Nothing is so sad in the story of this king as the opportunities of victory lost, and the defeats made more disastrous, by mere ill-timed indulgence of petty spites like this.

With what interest Eliot himself must have viewed the proceedings, it needs not to say. The imprisoned gentlemen told the king that everything had been done on his suggestion ; but he did not personally appear in anything done. As soon as it became certain, however, that Mohun was contemplating escape into the house of lords, Eliot prepared so to strike from another direction as to reach that greatest offender. The wrongs done to Cornwall by Mohun took wider range than that of any election dispute. For two years he had been vice-warden of its stannaries, Coryton having been displaced to make room for him ; and by mal-administration in that important office he had roused the whole county to resentment. Petitions had poured in against him from all parts ; and proof had been obtained from witnesses of every class of his malversation and oppression, by the abuse of his public trusts and authority to private ends. We shall find Mohun hereafter complaining that Eliot, accompanied by Will Coryton, had been incessant in "roaming up and down Cornwall" to find matter against him ; and what I am now to show is the success that attended those efforts. The time for exposure was come.

The patent of Mohun's barony bore date the 16th of April. It had been hastily completed at last on the proposed movement in the commons becoming known ;

declares that nothing can attend that nation but utter ruin where the *name of the king* is not "*sovereign and awesome.*"

and exactly one day after the upper house received its new member, the consent of the lower was obtained, upon the motion of Mr. Vivian "representing the "burgesses of Cornwall and Devon," to a select committee to consider of divers petitions presented against the vice-warden of the stannaries. Vivian was comptroller of the duchy, and had himself suffered grievous wrong from the vice-warden, the extent of whose power and jurisdiction was wide enough to bring within their abuse every class in the county.

To explain the case in any detail will hardly be required of me. Then, as now, "the stannaries" designated as well the districts of tin-mines in Devon and Cornwall, as the customs and privileges attached to them, and to the population employed in them. They comprised courts for administration of justice among the tinners, who, by successive grants down from the third Edward, were privileged to sue and be sued only there, to the end that they should not be drawn from their business by attending lawsuits in other courts; and to this day a stannary court, being a court of record, is held at Truro. They included also, for better security towards the redress of grievances and general regulation of affairs, a convocation or parliament, wherein each of the six stannaries was represented by four stannators, wealthy gentlemen in the districts elected by the authorities of the principal towns; and even so late as the middle of the last century such a convocation sat. Of course the object was to encourage and protect an important craft, from whose skilled labour in digging and purifying tin a large revenue\* was derived to the crown. To promote its successful pursuit, and ensure the allegiance of its workers, was the design of all the grants that constituted the charter of the stannaries.

\* So large that it was only by means of it, and the receipts from the court of wards, the king was able to sustain himself during the interval without a parliament.

But Mr. Mohun's design was not protection for the tanners, but profit for himself. He turned the vice-wardenship into a job. The privilege never meant to exist but for the protection of the craft it favoured, was given to all who paid a certain sum, whether craftsmen or not. Intended as the reward of skill, it was made the means of oppression; and that part of the population it was withheld from were placed at the mercy of those who possessed it. He put down at the same time all appeal or refuge. He corrupted the courts by using them for maintenance of his injustice, and he disabled the convocation from applying a remedy. He took upon himself to create tanners by mere grant of the privilege; and, a thing before unheard of, he *un-created* them by withdrawing or refusing it! It was occasionally refused even to men engaged in the calling, and given to men engaged merely in serving beer to the others. And so hateful had all this rendered what only the most moderate administration could have made tolerable, that it seemed doubtful what desperate turn the public exasperation might have taken, when happily writs went out for a parliament. Hope reawakened; and prominent among the wrongs for which his Cornish fellow-countrymen sent up Eliot to Westminster to demand redress, were these of the vice-warden of their stannaries.

He was appointed chairman of the committee of enquiry, and from the middle of April to nearly the close of May took part in their sittings.\* Scattered through the Journals from time to time are notices which show the progress of the enquiry and the scope it was taking. Ultimately it shaped itself into sixteen several

\* Two notices in the Journals of the 19th and 20th of May follow each other with a significant closeness of connection. "Monday 19th. Rich<sup>d</sup> " Dyer, bailiff to Sir John Eliot, to have privilege; and Mr. Wyvell and " Mr. Teale to be sent for to answer contempt in arresting Dyer." Wyvell and Teale were officials of the vice-warden. "Tuesday 20<sup>th</sup>. " Committee for exhibiting complaint against Lord Mohun to have power " to examine his unlawful imprisoning men as a justice of peace."—*Commons Journals*, i. 900.

articles. A vast number of old grants and charters were exhumed and put in evidence. Upwards of forty witnesses were examined. It was not until Saturday the 24th of May that the committee closed their sittings, and then it remained only for their chairman to submit to the house the result of the enquiry. For this purpose Eliot presented himself on Tuesday the 27th.

His speech occupied a portion of that and the day following; but as yet it has found no record. It is here for the first time printed from a manuscript with his own corrections at Port Eliot. In delivering it he craved the pardon of the house for tying himself strictly to the rules of a reporter in barely narrating the facts; but though these are necessarily in some detail, they afford illustration of past times and customs which have not yet lost to us either interest or importance, and in other respects, besides its characteristic treatment of the subject, the speech is valuable in connection with Eliot's personal history. He spoke from his usual place on the left of the Speaker's chair, and on the table before him were spread the "heap of papers" to which from time to time he drew attention.

"MR. SPEAKER,—Upon the complaints which were lately exhibited  
 "to the House against the Lord Mohun, as vice-warden of the flanneries  
 "in Cornwall, I am, from the committee which was selected for that  
 "business, to make you a report of their proceedings thereupon. Yet  
 "am I almost deterred from the work by its length and difficulties, the  
 "parts emergent being so many that scarce my arithmetic can number  
 "them, and these so great and weighty that my abilities are not equal  
 "to the least. You know how long it is since the first reference was  
 "made, and how many days have passed in expectation of this labour;  
 "wherein thus much I must say in apology for my masters, that of all  
 "this time no hour has been neglected which that service did admit,  
 "but in examination or debate the minutes have been spent. Forty  
 "several witnesses have been heard, and of those the most were evi-  
 "dence to sixteen several articles. Divers writings and testimonies  
 "have been read; and other scrutinies and disquisitions have been  
 "made, of statutes, charters, grants, commissions, warrants, and the  
 "like; whose issues make this proportion which you see. Of this great  
 "heap of papers, the collection ended but on Saturday; so that I am

“ confident from thence you will conceive a great hardness in the task,  
“ that it should be in this time done by any man—much more by me,  
“ whose inabilities might well render it in any time almost an impossi-  
“ bility. But my duty is obedience. Though to the prejudice of  
“ myself, what shall be commanded me for the service of this house  
“ I never can decline. More willingly will I expose myself to any  
“ hazard or adventure than that your affairs should suffer. Thus much  
“ only I shall crave, that your patience may accompany me; and then I  
“ shall proceed with some alacrity and hope. I shall tie myself to the  
“ rules of a reporter in the bare narration of the facts, or in expression  
“ only of the sense of the committee. I shall not fall upon the offices  
“ either of advocate or judge.

“ The complaints divide themselves into two general parts, which  
“ are comprehensive of the rest—the extension of the power and jurisdic-  
“ tion of the office, and the exercise and execution thereof.

“ The extension and dilation of that power hath been by a means  
“ partaking almost of a miracle. It hath been by the making and  
“ creating of new men, of new tinnars such as were not formerly; as if  
“ the influence of this vice-warden’s virtue could infuse a special quality  
“ into any man, and at the pleasure of his greatness the character were  
“ at once to be imprinted! How strange, how unnatural it is, and  
“ how much beyond reason and proportion, will be apparent both in  
“ form and matter. The matter, that is the persons on whom this  
“ miracle is wrought, we find described in the recital of his warrants.  
“ By that it is discernable to be ‘ *all blowers, owners of blowing-houses,*  
“ ‘ *spalliards, adventurers, smiths, colliers, or any other employed in*  
“ ‘ *working or making of tin, or about necessary utensils for the same.*’  
“ To such were his warrants addressed. But the sense and understand-  
“ ing of those words, *or any other*, by his own practice and construc-  
“ tion were extended unto all; so that all that might desire it, and all that  
“ would accept it, he admitted! We have it thus in the case of one  
“ Talvar, who, by his own confession, only sometimes sold beer to the  
“ tinnars! And so of divers others whose qualities and professions  
“ gave them no affinity with the stannaries, who were in no respect fit  
“ for tinnars, and who in no point answered the description which he  
“ makes but in that intensive clause of ‘ *any other!*’

“ This sufficiently will show the strangeness of the matter that he  
“ works on; and to this the manner adds something which is yet more  
“ strange. For though the miracle be but one—the creation of new  
“ tinnars—yet the acts are many; done to particular occasions, as it  
“ might seem fit to him; and involving such difficulty in bringing  
“ them together, as that much art and industry will be required to  
“ present them to you.

“ First, under specious and fair shows, he seeks to allure men to his  
“ purpose; and to this end makes direction to his stewards of the  
“ several courts of the stannaries to publish certain unknown articles in

"favour of the tanners. Next, where that fails, he pretends authority  
 "himself to call them; and, to that end, grants his warrants to bailiffs  
 "to return him the names of all such as are dwelling in their divisions,  
 "that they may be by him enrolled; as if such enrolment were  
 "necessary! Then he promises certain new privileges, to invite those  
 "who otherwise have not been drawn in; and if that serves not, he  
 "descends even to persuasion. So it was certainly in the instance of  
 "one John Alexander, who had neither sought nor desired it. Assum-  
 "ing then that any of these means had prevailed to draw the persons  
 "to his hand, he next draws out his writ of privilege unto them, by  
 "virtue of which they forthwith become tanners! Of all this there is  
 "variety of proofs, both in originals under his hand and seal, and in  
 "other testimonies too long to be now enumerated. It shows a practice  
 "never before heard of—never before known. It is indeed but a mere  
 "fabric of his own artifice and invention. For the form of this  
 "creation, it consists in nothing heretofore deemed to be essential to it,  
 "but solely in certain privileges he communicates when he makes a  
 "man a tanner! As I opened it but now, he gives him a writ of  
 "privilege. That writ contains divers immunities to which it entitles  
 "him. Not that it imports any instruction for the mystery, or such  
 "principles as might teach a man how to work for tin—how to find,  
 "how to dig, how to draw, how to wash, how to refine it! It fails  
 "to make a man a philosopher at once! It enables him not to know  
 "the secret natures and dispositions of those minerals. It only gives  
 "him the name, the title of a tanner; but thereby it makes him partner  
 "of *their* privileges to whom all these things are known and who have  
 "skill and ability for all. Nay more, besides the ancient liberties of  
 "the stannaries granted by our princes for the encouragement of  
 "tanners, after the largeness of my lord Mohun's own fancy and  
 "affection, he adds new favours, new immunities of his own, to the  
 "discouragement of other men! This will most pregnant appear,  
 "both in the privilege itself and the effects it has. Either will express  
 "it to wonder and admiration. To the wonder of this house, whose  
 "greatness and authority has always used some rules to limit and confine  
 "it; to the wonder of all other great courts and jurisdictions of the  
 "kingdom, whose powers have almost all been hereby checked.  
 "Through the boldness and ambition of this vice-warden of stannaries  
 "church rights have been invaded, the chancery neglected, the com-  
 "mon law opposed, their processes resisted, their officers and ministers  
 "vilified and contemned! And these you shall see so violently and fre-  
 "quently repeated, that it cannot but be an amazement to all men that  
 "such a privilege, carrying such extraordinary effects, should have been  
 "seized and exercised by any one.

"I am now to show you the particulars, as they are emergent from  
 "the proofs, whereof there is a great concurrence and variety. To  
 "whomever that privilege was granted, it served as a freedom and

“ exemption from all other jurisdictions and courts, from all attendances  
“ at assizes, from all attendances at sessions, from all juries, from all  
“ services but his own. They might not be impleaded but in the  
“ stannaries. No process of the chancery, no process of the common  
“ law, no process of the consistories or ecclesiastical courts, might  
“ touch them, though in matters merely foreign, and having no relation  
“ to the stannaries. We may call it indeed rather a protection than a  
“ privilege. So it was in fact: so it was accepted: so it was intended.  
“ The effects will show it plainly, if the intimations I have made be  
“ doubted. You shall here *see* what cause there is of wonder! Divers  
“ examples have occurred in the examinations taken. They are proved  
“ by Mohun’s original warrants and mandates granted in favour of his  
“ clients. Some are for suits in chancery, some for suits at common  
“ law, some for suits in the consistories and elsewhere; and by all he  
“ commands the suitors either absolutely to desist, or to withdraw their  
“ actions of what kind soever! He threatens them with the peril of  
“ contempt; nay, with further proceeding to the extremity of all  
“ power, if they disobey him.

“ From particulars most notorious, I begin with the case of Alexander Oliver. Taken upon a *capias ut legatum*, and remaining in custody of the sheriff, this man was a prisoner to the king; but claiming the privilege accorded him by the vice-warden, he presumed to check the law; and not valuing the interests of his majesty, my lord Mohun must needs show his power therein, and by his mandate enjoin the sheriff presently to deliver Oliver!

“ Another case is that of Maurice Gater. Having brought a prohibition out of the king’s-bench against one of these new tinnors for a suit commenced against him in the stannaries, the vice-warden by his order thereupon commits him to prison; and when, after a long continuance there, Gater procured a writ of privilege from the judges of the common pleas (he being a sworn attorney of their court), and sent it for his liberty, Mohun yet detained and still withheld him prisoner, yielding neither reverence to the gravity of the judges, the dignity of his majesty, nor the authority of his writs!

“ There are divers other cases of this kind of his checks to common law: some in matters whereof he can set up no cognizance; some even expressly excepted in the late letters of the king upon which he grounds his power; and others wherein neither party could as much as claim to be a tinner, and which therefore were entirely without the compass of even his pretended privilege. Of these and divers others, for divers suits both there and in the chancery depending, the particulars are here collected in a schedule which I hold, but are too many now to enumerate. One instance more I will only here observe, for its intrusion on the church. It is the case of one Dix,\* a reverend minister and preacher; a parson in that

\* Dix was well known to Eliot, having been minister in one of his parishes. See *ante*, i. 463.



“country; who had sued for tithes in the consistory of Exeter one of his parishioners who was also one of these new tinnors. Not however for tithe of tin, for it was a place where no tin groweth, but for tithes in general—tithe corn, tithe hay, tithe lambs, tithe wool, and such common duties of the church. Yet, in this case likewise, my lord directs his special mandates, requiring Mr. Dix to desist. His phrase is so extraordinary that I will note his own words. After the expression of his pleasure, he concludes thus: ‘To this conform yourself, or you shall provoke me.’ A most secret and denunciative intimation both of his power and will, without respect either to the person or the cause!

“One thing more there is yet observable in these privileges, which will greatly prove the deformity of the rest; and that is the time for which they are so granted. They are not in certainty for life. They are only for a year, and so to be renewed if there be occasion. This shows how unnatural, how preposterous a creation it is, which makes a man a tinner, and yet but a tinner for a time: nay, to be but a tinner at the discretion of another: whereas, in all other companies and societies, he that is free for once may be free for ever, unless by his own practice and desires he shall desert or quit it. And this points to another consideration of the end of such a privilege—*Cui bono?* For whose good is it principally intended? Is it for the benefit of the tinnors—those that are truly so—those that *should* be favoured? That cannot be; for to them it is not needful. They are free without it; and, with their persons, always are entitled to their privileges. Is it for the benefit of the stannaries? No: for it makes disorder and confusion in their liberties, and so is the less to be desired. Is it for the profit of that country? No: neither for that; for great is the exclamation in this point that it is a great prejudice to the country, no man almost knowing whom to sue or how to seek his rights! What it is to the laws, what to justice in the general, you have already heard in the observations made. To the parties themselves receiving them, they on the other hand cannot import much, the continuance being for so short a time. There must, therefore, be some other end found out; and this will render it so much more odious than the rest, that, for honour’s sake to the quality of the person who is in question, I will take leave a little while to decline it, until more necessarily it be forced upon me.

“Thus having showed you the first of my two general divisions—the extension of the vice-warden’s power—how strange, how unnatural it has been, in the creation of new tinnors, in giving them new privileges, in protecting them against all authority and jurisdiction of the law,—I will now descend to the second general division; namely, the execution of that power, and note with what equity, or rather with what iniquity, he hath used it. This will

" give you a sad story of the calamities of that country now crying  
" for your justice, and, more effectually I believe than any rhetoric,  
" will make the miseries of those parts to move you.

" In this, to reduce it to some order for the aptness of your memory,  
" there will be five particulars observable under which this part or  
" division is comprehended. First, his illegal preparations; second, his  
" hard and inequitable resolutions; third, his unjust and violent com-  
" pulsions; fourth, his avaricious exactions; and a fifth of so high a  
" nature, that I cannot here give it name. Of it may be said, as  
" Herodotus said of the cunning man in Egypt: though the rest be such  
" as exceed the actions of all others, *this* so far outgoes all else done even  
" by him that it admits no parallel or comparison. I shall reserve it,  
" therefore, to come singly by itself, that the matter in its own language  
" may tell you what it is.

" For the first, his illegal preparations and entries to his business,  
" there are four things of note which severally do appear — 1.  
" Drawing of suits before him at the first instance. 2. Issuing of blank  
" mandates (for I speak not of blank warrants, or other things done by  
" any but himself). 3. Granting of commissions to other men to take.  
" 4. Using a stamp for the signing of his warrants. In all which  
" practices of execution, as in the former practice of creation, it is  
" evident by the proofs that he has had no example but his own. No,  
" not the ignorance or corruption of any man that preceded him can  
" be urged as any plea in his favour!

" To explain the drawing of suits before him at the first instance,  
" that it may be the better understood, as well as other passages that  
" will follow, it is necessary I should here a little open the state and  
" government of the stannaries as the examinations have discovered it,  
" which otherwise, for want of true distinction, might be mistaken. It  
" has two subordinate jurisdictions in it, both derived from the lord  
" warden, and divided between his deputies—one a legal jurisdiction  
" held in courts, wherein all trials pass by juries after the forms of  
" law, and this held by stewards appointed for that purpose; the other  
" a jurisdiction in equity after the manner of chancery, entrusted to the  
" vice-warden, in whose bosom and discretion it rests. Now it is  
" said the custom has always been (and so reason gives it) that all suits  
" should first begin in the courts, and there have their proceedings; to  
" which end, for the ease and quiet of the tinners, there are divers  
" courts held in divers parts of the stannaries, that these craftsmen  
" should not be compelled to travel far from the places of their labours,  
" but near home receive their justice. And in case justice were there  
" not done them, or if they were oppressed with injury or injustice,  
" then had they way, by appeal to the vice-warden. In which case,  
" and not otherwise, was it becoming that the vice-warden should  
" possess himself of the cause, and do then what in equity should besit  
" him. Such was the right, the ancient custom, of the stannaries. But

“ this vice-warden, not content with what was done before him, being ambitious of the sole government of that country, and studying to make new laws as he does new men, admitted not these gradations but primarily assumed the jurisdiction to himself; called all persons to him, how remote soever; and made summary determinations of all causes, to the great oppression and grievance of the parties, the pre-judice of the courts, the violation of the laws, and the great disorder and confusion of the whole frame and government of the stannaries. Thus he did in the case of one Fob; thus in divers others, too many to be named. Here they are, ready in the catalogue of proofs: drawn into one body, to avoid a tedious repetition of particulars.

“ For the second—the issuing blank mandates—it was done in a case between one Escott and one Jago. The case stood thus: The suit was depending in the court, and the defendant, being doubtful of his cause, came privately to the vice-warden, and before the trial procured a mandate from him to stay the execution if the trial should pass against him. Of the latter being uncertain for the time, however, he takes his mandate with a blank. This my lord the vice-warden has in readiness in his pocket. If there be occasion, it is but giving it date, and delivering it to the steward. It stops his hands: it stops the law: it secures the party as if there had been no trial. When operation this *must* have, may easily be discerned. It perverts justice: it is a discouragement to suitors: it makes the plaintiff, whenever his right be, sure he cannot gain: it makes the defendant, against all the disadvantages of his cause, as sure he cannot lose: it makes every man his own judge against his adversary—nay, in his own cause: in effect also it makes him a judge upon both the steward and the law.

“ For the third—the granting of commissions to take oath—it is as ill as the rest, or worse, both in its nature and consequence. In the first place, as the testimonies are clear, it is unusual, as the other actions are. It never was done before; never was used by any but by this vice-warden. Manifestly it is conceived illegal, he being but a deputy, and so having no warrant for it from the law. It draws a prejudice on the parties that shall execute it, and makes them obnoxious unto danger. It depraves the integrity of testimonies, and gives them opportunity to be framed to the discretion of the party that procures it. For, see its operation. It is resorted to in cases that are depending before the vice-warden himself. A suitor will pretend age or disability of his witnesses: then this commission is granted to such as the suitors shall desire, who are thereon entrusted to examine. And this examination commonly (for the practice is well known since this vice-warden first came in) is but to take a formal attestation in writing, already prepared to their hands; which they thereon certify, too often to the great corruption both of justice and the parties. There are divers instances of this, and one more remarkable than the rest. It was in a case between one Hawke and

"one Lukie, wherein my Lord Mohun granted a commission to one Colmer, and to any other to be nominated by him that sued it forth (for so is the form of that direction); making in this case the party his own commissioner, and referring the examination of his witnesses to himself! Can there be doubt of the value of testimonies thus gathered? Can it be doubted there should be an obliquity in that justice which is so rightly introduced? These foundations being laid, the superstruction must be good! The whole frame being up, it shall have its trial by your judgments.

"The last thing in these illegal preparations is the stamp. The stamp he has been in the habit of leaving in the custody of his servant: for what purpose if not that warrants and despatches should be signed in his absence? Otherwise it were not useful; such servant having, as it is presumed upon the assumption of that office, both skill enough and ability to write. Of what grave import such practice as this may be, is known by a late judgment given in parliament against a great officer of the kingdom, whose charge contained the like.\* What it deserves now I leave to the censure of your wisdoms. And so, in consideration of the time, in consideration of our way, I will hasten what we may to the end of this long journey.

"The next step we have to make is the second of those five parts into which I have divided the second general head of the subject. I come to the hard and uneven grounds of my lord Mohun's judgments and resolutions. They were in truth conclusions fitted to the premises. So untrodden, so unusual, so intricate his paths, so full of turnings and diversions—they are hard, indeed, to be discovered—hard to be found out! Nor shall I herein tread on acts of ordinary ignorance nor injustice, nor insist upon the cases of such as are not tinnars, or where the matter belongs not to the stannaries. Of those there are divers instances in proof; but their infinite repetitions the committee have declined. I will confine myself to his judging in cases not determinable by him; to his judging without hearing witnesses or council; to his judging without hearing the parties. I mean, as in the former instance, he heard one side only; for so it must be taken. Such precipitation always is for somebody. These only I shall instance, and upon these alone we shall insist: not to aggravate, but merely to open them. Of the first—his judgments in cases not determinable by him—there are two kinds: one of claiming the sole trial of perjury and subordination; the other for the right of imposing a fine. Neither of these was within the compass of his power. They should have been reserved to the ordinary courses of the law, and not left arbitrary to the discretion of one man. Yet, both are brought in proof. And for the first, it shows also the equity of his

\* Eliot's allusion here is to the impeachment of the lord treasurer Middlesex (*ante*, i. 160-4), one of the charges on that occasion having turned on the improper uses of his official seal.

“ censures, that having, without presentment, without conviction, without trial of the law, without examination of the fact, judged and condemned for perjury and subordination one Bridgeman and one Trekeane, not long after, upon second thoughts, being privately solicited by their friends (especially Trekeane’s, who was the richer man), upon a new hearing he makes his old judgment void, and decrees Trekeane not guilty of the fact for which before he had censured and imprisoned him. And this, as a case not determinable by him, or merely in point of justice, gives you sufficient intimation for the other what you have to expect. That of the fine is precisely like it.

“ What I am now to relate was done upon a member of this house, Mr. Vivian, comptroller of the duchy, by whom the complaints have been exhibited to us. And it is thus : The comptroller, by his office, had the keeping of the gaol ; and by that a prisoner in his custody, against whom the vice-warden, as it is strongly suggested, had a spleen. He had formerly, and in a strange manner, committed him ; and at the time of his imprisonment had his own servants, his principal clerk, and others, to arrest him : an office which such men seldom give to those that are so near him. Well, the comptroller, as I said, had this prisoner in his custody for debt, upon an execution of 52*l.* 6*s.* 8*d.*, whereof the creditor acknowledged to have received 25*l.* 10*s.* 0*d.*, and had agreed that for 29*l.* more, either presently paid to him or deposited with the keeper, the debtor should be freed. Accordingly the comptroller, having satisfaction from his prisoner, discharged his restraint, forthwith intending the payment of the party. But the vice-warden hearing thereof, and having, as is alleged, his heart fixed upon the duration of the debtor not upon the satisfaction of the debt, sends presently for the keeper ; questions the discharge ; and when the keeper, to justify his act, produced the agreement of the parties, and made tender of the money that the vice-warden with his own eyes might witness the justice of his dealing, so far was my lord Mohun from liking it that he turned his indignation on the keeper. And what does he ? Does he then fine him ? No : that comes not yet : that were too gentle : that would not satisfy the indignation conceived. He first orders him to pay down the full of the execution, double the creditor’s own demand ; and, for want of instant satisfaction in the place, turns even the imprisonment upon him, and by warrant forthwith commits him ! In which order (I shall present it to you in the original, with divers other proofs) I observe he says that the debtor, by his escape (for so he is pleased to term it), prevented the creditor from getting his money in less than two years and a half ; whereas the execution upon which the prisoner was first taken was dated but the 11th of August, and the order under which Mr. Vivian directed payment was made but on the 10th of September after. I leave you this for a demonstration of the sincerity of such judgments ! Well, this order being

“made might have no retraction, but the money must be paid; which  
“accordingly was done at the next stannary court where the execution  
“had been granted, being the 15th of September after, not much  
“above a month from the date of the execution; and thereupon follows  
“a liberate, by special direction, from the vice-warden; so that now  
“all men conceived the matter to have been ended, and the comptroller  
“at large. But to show yet more the integrity of his justice,—contrary  
“to this expectation, contrary to his own order and direction, my lord  
“Mohun sends a new command suddenly to detain him until he should  
“pay a fine of 10*l.* to the king; beyond all equity and reason of the  
“case, and beyond all power and authority of his office, or the prece-  
“dents or practice of those that were before him! And this order  
“likewise had an untimely birth, for it was granted without date, and  
“so seemed to have been secretly prepared and kept in readiness for  
“such service.

“But I have been too long in these particulars, and prels, I fear,  
“your patience too far. Yet, the necessity of the cause and my ill  
“oratory requiring it, in that respect I am hopeful of your pardons.  
“In the next I shall be shorter, and to this end will involve two  
“particulars into one: the judging without hearing of witnesses or  
“counsel, and the judging without hearing of the parties.

“These were cases of a father and a son, Carveths, so named upon  
“the schedule. The father, being called before the vice-warden, was  
“there charged by another with an ancient debt of 6*l.* He did not  
“know before his coming what the matter was, and so had neither  
“counsel nor witnesses in readiness. The debt he declared to have  
“been satisfied long before. He offered to confirm this by his proofs,  
“and to that end desired a short day for his witnesses to be heard. But  
“the vice-warden, it seems, divining otherwise of the case, however  
“formerly made sensible thereof, would not afford the favour. He  
“presently makes an order that Carveth should pay the 6*l.* and twelve  
“years’ use; with which justice Carveth being not affected, nor  
“purposing to obey it, he departs secretly from thence to his own  
“home, and there, knowing what would follow him, keeps house, so  
“that a warrant of contempt granted for his commitment could not  
“reach him. But hereupon the vice-warden for his pleasure must  
“cast another way; and this (being, it seems, very affectionate in the  
“case) he does not long after. He caused a son of Carveth’s to be  
“arrested, one Ezekiel Carveth; and him he detained a prisoner until  
“he was enforced, as a ransom for his liberty, to pay down in satis-  
“faction of that reckoning for his father, 14*l.* Yes, this man, being  
“neither principal nor surety, being no party to the debt, being no  
“party to the suit, being not heard, not called, not complained of—  
“this man was imprisoned, and was plundered! It was a case that  
“might well give occasion to the committee to consider the old rule of  
“justice of so many ages standing: *qui statuit aliquid parte mandata*

" *altera æquum licet statueret baud æquus fuit.* If a man should not be justified whose sentence yet is just, that had not heard the parties, what was to be thought of a judge who would derive a fault, who would extraduce from the father to the son, who would turn deaf ear unto both, and both on son and father would impose a fine and punishment where neither had been guilty! Sir, I aver that this the proofs, upon examination, do affirm. The names are collected on the schedule, and to that I must refer you, that the conclusion of my work be not too long delayed.

" The third part now presents itself. I am to speak of my lord Mohun's violent compulsions, by the terror of which his other practices have been supported. This consists wholly of imprisonments. But therein to enumerate all the particulars that we have, and make a full narration of their causes, would induce so large a story on that subject as to render the compass of this time too narrow for the labour. I have, therefore, collected only some few circumstances, which shall serve us as abstracts and epitomies for the rest.

" The first is, that, in all causes heard before him, he no sooner makes an order but with it he grants a warrant of contempt! He supposes the order broken before it be made known. Both order and warrant also he gives to the parties in whose favour they are drawn up; and these parties choosing after to consider, especially if the cause be of small value, that their advantage will be greater by inflicting the charge of the imprisonment than by receiving the satisfaction of the orders, have repeatedly concealed the orders and served the warrants, so that the defendants were committed before they had done a fault, and were enforced at extreme rates to make composition for their liberties! Thus even it was given in proof in the case of one Wadge, who was arrested and imprisoned by one of these warrants of contempt for disobedience to an order which he had not seen or heard of; and was fain to give, in composition for his liberty, fix times as much as it afterwards appeared was commanded by the order! The next point of practice is that of his committing to whatever place he pleased. In the case of one Curtes, he imprisoned the man in a castle called Trematon, though the power of the warden is in this particular confined by the charter of the stannaries wholly to Lostwithiel. Another is that in his warrants of commitment, as the writs themselves show us, he expresses not the cause; and yet does it with injunction that the prisoner be not freed *donec in mandatis* (as he lays it) *a me habueritis pro ejus liberatione.* In all which you know what inconveniences must follow; what oppression to the parties; what terror to the country (for this I must speak from the senses of many we have heard, who say they are now afraid to live there); how unlimited it renders the scope of his intentions; how exorbitant, how irregular, his will; how contrary to the law, not only of the stannaries, as their charter imports, but

“generally of the kingdom, to which, in this case, their charter relates!  
“How unjust, how injurious it is, there needs no argument but the  
“mention of the debates, of the resolutions of this session, of the  
“authority of our Petition, to prove it! Those reasonings, and that  
“settlement, no man well affected, no man well devoted, none but  
“some Titan (for so Cicero calls the impugners of the law), will dare  
“hereafter to cross or contradict!

“I now come to the exactions and extortions of my lord Mohun.  
“This fourth part, though infinite in particulars, may be expressed as  
“of two kinds—real and circumstantial. And first for the real. By his  
“writs of privilege, that new device of his for making men tinnors, he  
“exactd for every writ three shillings at the least; and yet he gave  
“it continuance but for a year, so that the renewing of the writ yearly  
“renews his fee, and draws an annual revenue to his purse of a great  
“value through the multitude of tinnors he creates. Here we find a  
“full resolution and answer to that question made long since: *Cui bono?*  
“From this it is apparent that not the profits of the tinnors, nor the  
“jurisdiction of the stannaries, nor the benefit of the country, are his  
“motives, but the singular advantage of himself, his sole avarice and  
“corruption! The same likewise are emergent in his increase of fees,  
“for warrants, for orders, for copies, and the like. Upon the first he  
“has increased a full fourth part, as appears by his orders and consti-  
“tutions to that end, whereof we have originals. Upon the others a  
“full half is raised. Nay, in the case of Treakeane, wherein the  
“ancient fee was but twelve pence for an order of what length soever,  
“there was exactd three shillings for an order but three lines long.  
“This we have here in evidence. Next for the circumstantial  
“exactions. Those are three. First, by not publishing his orders at  
“his hearings, but concealing them; so that, both parties being  
“ignorant of their doom, both might be drawn to take out copies.  
“Second, by issuing *with* his orders his warrants of contempt; whereby  
“he enforces great danger and prejudice on the parties, as you heard  
“solely for the increase of fee, which of course is lost if the orders be  
“observed, and no warrants issued. Third, by multiplicity of hearings  
“and re-hearings in a cause, occasioning multiplicity of warrants and of  
“orders, and so consequently of fees. In that case of Treakeane, besides  
“the short and high-priced order I have mentioned, there were no less  
“than seven or eight others upon so many several hearings. The party  
“was drawn, as the testimony made good, to 10*l.* expense, without  
“the payment of one penny to his adversary.

“Things standing thus, I leave to the consideration of your wisdoms  
“in what condition and state that country now finds itself. For self-  
“protection all must become tinnors. To such suits as I have detailed,  
“it is certain, all are now made subject. None may be exempted. All  
“must receive justice only, and in all cases, at the vice-warden’s hands;  
“and you have heard what kind of justice he affords. All are made



“ obnoxious to his will, and to the danger of imprisonment, which you likewise see how readily he distributes. His exactions, his extortions, are so heavy upon them, that they have lost all confidence in the rights heretofore possessed by them. What therefore now can be expected, what now can be looked for throughout the stanneries, your judgments must determine to whom this cry has been exhibited.

“ The fifth and last particular I have to demonstrate will show the necessity yet more fully than any. For I am now to speak of the dealings of my lord Mohun with the parliament of the stannaries. So it is called in Devonshire, though in Cornwall we term it convocation. And here, for the better and more easy understanding of the whole, the committee have resolved it into parts; whereby more perspicuously may appear, both in reason and degree, the facts to be submitted to you. I shall open them with what brevity I may, and so draw to conclusion. The first part will exhibit an indirect calling and intimation; the second, an unjust proposition; the third, a sinister and oblique intention; the fourth, a scandalous prosecution; and the last, a practised corruption. In all I must crave your favourable attention; because all of them contain matter of such a nature, that we have been at a loss for language to define it.

“ For the first—the indirect calling and intimation—to give it a due trial, and to demonstrate what it is, I must lay you a foundation and show of what ought to be: right being, as you know, *index sui et obliqui*. I have told you that convocation, in Cornwall, is the parliament of the tinners; and I need not further note the importance and consequence it is of, than by saying that laws and ordinances there made are, to them, as binding as the statutes of the kingdom; for which reason the same respect is necessary for the election of their deputies as for that of the members and servants of this house; and so, therefore, was this anciently provided by the custom and constitutions of their elders. Those, as their charter and usage affirm (and here let me say that a great labour has been spent for the exact knowledge and disquisition of these rights, and divers days were given by the committee to that service), have in all times maintained this constant form and manner. First, there has been some direction or authority from the duke or prince; or, in the vacancy or incapacity of a Prince of Wales, it has been otherwise derived and taken. For the king, the lord warden by his precept intimates the time and reason to the vice-warden; and the vice-warden, then, in conformity to this, sends abroad his summons to the mayors of the four chief towns within the stannaries—as the Mayor of Launceston, the Mayor of Truro, the Mayor of Lostwithiel, and the Mayor of Helston—to cause to be elected or returned six discreet and able men of each division, and these to be chosen by the free vote and suffrage of the said mayors and their brethren respectively. Which being done, the parties so returned, giving their attendance at the place, and con-

“ sitting of the number of 24, do make up the full proportion of that  
“ body, who have a free power to act and determine for the rest.  
“ Such was the ancient course of that assembly. But the present vice-  
“ warden—not satisfied with this; not finding it suit with the prepara-  
“ tion of his purpose; and here, as in all else, treading an unknown path  
“ and way—about Christmas last, sends abroad his summons (some of the  
“ originals I hold among these papers) directed as aforesaid, but, in the  
“ warrants, naming particularly the men to be elected! Thereby he  
“ retrenched the freedom of election, the liberty of the tinners, and the  
“ privilege of the towns. He assumed a power and authority to himself  
“ by nomination of the members. He took upon himself to dictate  
“ the composition of that body. By adapting the parts, he resolved to  
“ have disposition of the whole upon the warrants. The mayors  
“ thereupon, not daring to resist him (for the noise of his former  
“ practice, as was testified, had struck a terror into them), summoned  
“ the men. Upon the 4th of January, they met the vice-warden at  
“ Lostwithiel, the place and time appointed being there; and differences  
“ immediately broke out. The first dispute began about the lawfulness  
“ of the convocation. Two things were objected—that it had not  
“ sufficient authority to ground it, there being no warrant as there  
“ ought to have been, but merely a letter of direction from the lord  
“ warden to confer only with the tinners; and that the elections were  
“ not due, being made by the vice-warden, whereas by the charter and  
“ custom they ought to be *per maiorem et consilium suum* in every stan-  
“ nary. To which the vice-warden, for excuse, made answer that a  
“ new convocation had not been intended, but only a recess, as he was  
“ pleased to style it, grounded upon an old convocation in a former  
“ vice-warden’s time. Against this it was replied, that it could not be  
“ a recess of the former convocation, seeing that there were divers acts  
“ agreed to on the occasion, not only committed unto writing by the mem-  
“ bers of that convocation, but signed by all their hands, and transmitted  
“ to the lord warden to be represented to the prince to receive his  
“ confirmation. That was a perfecting of their work, and as much as  
“ could be done. Again it was alleged that as, by the death of king  
“ James, the prince came to the crown, even if this former conclusion  
“ had not been, yet the convocation was thereby dissolved. On all  
“ which reasons the stannators insisting, and thereupon refusing to enter  
“ into business, that assembly ended. So far I have put before you one  
“ effect and result of the indirection alleged. The rest is now to follow.  
“ In the February after that assembly closed, the vice-warden, not  
“ satisfied, sent abroad a new summons for calling them again, therein  
“ changing one syllable only of the former. Whereas the first went  
“ only to assemble, now he made it *reassemble*; but with addition that,  
“ if any of those stannators were sick or dead, others should be chosen  
“ in their rooms. As to which, from one of the mayors, it has been  
“ testified that in such election all freedom was anticipated by a direction

“that privately came with it, *that such only should be chosen as were known friends of the vice-warden's*. You will require no more sufficient illustration of the point submitted to you. Its effect and consequence, both in the practice and the precedent, I doubt not but you fully apprehend. To call a parliament without warrant, and in the calling to infringe its fundamental rights and privileges; to seek to vest the nomination of the members in one man—what does it import? what can it portend? You may easily infer it from the health and disposition of this house of commons, whose constitution and complexion are the same. But *quorsum hæc?* Wherefore all that great labour and endeavour thus to compound (and to confound) a parliament? The next proposition made by Mohun will express it. This was such as never in the stannaries had been before. It was a demand of money, a demand of aid; and for whom? For whose benefit and use? for his master's? \* for his sovereign's? No: for neither. They did not require it: they did not expect it: they too well knew it to be contrary to the privilege of the stannaries even to desire it. It was for himself: it was for his own oblique purposes. Too manifest was this in a reply he made to an objection of the tinnars in dispute on that point; who saying amongst other things in contradiction of the design, that they knew not how so great a sum as 500*l.* (which was by him demanded) could be for them employed, and desiring therefore first to be informed how it should be used,—he told them in general that it was for the reversing of some late resolutions of the judges given in prejudice of their liberties, and to defend them if in parliament they should be questioned; as if either the justice of this court, or the integrity of the judges, were compatible of change or alteration by his largesse, or subject to corruption, like himself!—but in the particular he made umbrage, saying that it might not be discovered; adding withal, to endear it as a secret not communicable, that if he thought his shirt did know he would burn it: alluding, as 't is like, to that saying in Plutarch of Metellus, *si tunicam scirem meam arcani mihi consciam esse in ignem objicerem*. So as in that you see the intention, however it were pretended, was but for himself; and the proposition and demand had no other end but the satisfaction of himself, of his own avarice and corruption!

“But we will pass from this to things of other nature, wherein I confess I have even a horror in myself to think of what I am to say. For, to effect this great design of money, nothing may be spared: no greatness, no excellency lies before him, but he must spurn it from the way! To induce the tinnars to the grant, there must be many arts devised; and, amongst others, one was a promise of the privileges he would give them. How free they should be under him! Free, as you formerly have heard,

\* By his “master” is meant the warden. At present the lord steward held the office.

“from all other courts and jurisdictions! Free from the courts  
“ecclesiastic, free from the courts of common law, free from the courts  
“of chancery, nay, even from the star-chamber and its high court  
“they should be free! And to endear the opinion of this freedom, he  
“not only magnified himself, but cast detraction upon others, that the  
“supposition of their ill might heighten the reputation of his good.  
“To which end, speaking of the reverend judges and of their grave  
“resolutions, by which it seems, *about that time*, some of his  
“purposes were retrenched, he styled them *forged resolutions*, made  
“only in prejudice of the stannaries! Nor did he rest here, but took  
“occasion likewise in his rhetoric (for it was pronounced in a full court  
“and parliament) to make the chancery and that tribunal odious,  
“saying that such were the abuses and delays that *virtus perit et victor*  
“*set*! Misery was the best that could be looked for; ruin was not  
“avoidable! Nor was this all. The lords that have their places in  
“the star chamber, who are the lights shining in that great firmament,  
“they likewise must be overcast. Upon their sentences and justice he  
“scrupled not to impose this censure—that they were not *ad correctionem*  
“*sed ad confusionem*—not to correction and amendment, but to confusion  
“and destruction of the parties. These were his aspersions on those courts:  
“all which the proofs do manifest, showing an insolence unlimited.

“Yet even more, more both of scandal and ambition, I shall exhibit  
“under the next head, wherein not the honour and actions of his  
“majesty himself are excepted. This also was by occasion of an  
“argument of the tinnars (for they long disputed against this demand  
“of money), wherein when they desired to know whether if the pro-  
“portion were accorded, and if they consented to the sum, they might  
“be sure such liberties would be gotten as were then pretended—in  
“scorn and indignation Mohun replied, ‘When the king doth take  
“‘subsidies of his subjects for a war, he cannot warrant victory.’ In  
“which, if either the syllables or the time be drawn to observation,  
“there will be found a boldness beyond any man’s. For it implies a  
“comparison with his majesty in his actions, as if he (my lord Mohun)  
“were not more accountable for the reason of his doings than his  
“sovereign. It reflects, moreover, upon the importunity of that time,  
“for it was presently after the return of our unhappy expedition to  
“St. Martin’s; as if our losses were not sufficiently expressed in the  
“triumph of our enemies, but they must receive likewise the indignity  
“of my lord Mohun’s scorn farther to enforce them!

“But, to come to the conclusion of the work; to see the effect it had;  
“how this boldness, this presumption of his, was prevalent with the tin-  
“nars to induce them to his will; there is one particular yet untouched  
“of that which was noted—his practised corruption. This he two ways  
“attempted: by menaces and by promises. The menace was upon  
“that special argument of theirs which they derived from their calling,  
“whereby they alleged this convocation was not lawful, and therefore

“not of force to conclude anything for others. To which he returned this answer—that if any man so objected, his eye should be upon him, and he should be the only mark he would aim at. That was the menace. The promise you shall have as shortly; wherein, when he yet found a difficulty in some with whom all his eloquence prevailed not, nor could his threatenings move them to his purpose, for *them* he casts another way about, and handles them more privately, giving them assurance that they should not only be eased in that part of the charge which belonged to their division, but, if there were an overplus remaining of the rest after the work was done, in that they should also be sharers. What corruption this shows, your wisdoms may soon judge. The preparation, the proposition, the intention being such, what conclusion better could be looked for? The original and fountain being corrupt, the streams could not be pure. A good conclusion to such premises would make no true analysis.

“Well, I have now done this part. You see him now brought to the indulgence of his will. His desires are satisfied, and the money so far at his disposal that such variety of arts had rendered vain any further resistance. He will object, perchance, that nothing had been taken, nothing had been actually levied. To which, in full proof for satisfaction and prevention, I reply—that, having drawn that conclusion from his parliament, notwithstanding a protestation against the course of the proceeding and the validity of the act shortly after presented to him in writing by the whole body of the stannators, he yet made out his warrants for the levy of the money, and some part (though of no great proportion) *was* collected. The rest would have been gathered; but the general parliament of the kingdom, which brought happiness to many things, did so much favour to the tinnars as to come readily in the very nick of time. *Our* sittings were opened while this was in agitation in the stannaries. And thus, at the same moment, the further collection of the money was stayed, and opportunity was given them to exhibit their complaint.

“This complaint, as it was alleged and proved before the committee, you have now heard reported. I have laid before you both the extension and execution of his power. In the extension, both for the matter and the form, you have heard what tinnars he creates, what privileges he gives them, what effects they work. In the execution, you have heard likewise his illegal preparations, his inequitable resolutions, his violent compulsions, his avaricious exactions. And lastly, and more strange than all the rest, you have had before you his dealings with convocation; wherein the intimation, the proposition, the intention, the prosecution, the conclusion, have been noted, with the time in which all these were done. It was in less than the compass of two years—a short space for so long a story! You will note this circumstance with the rest,

"to give it a full view and prospect for your judgment; and to that I  
"now must leave it.

"It rests only that I crave your pardons for myself—the pardon of  
"the house, the pardon of the committee—that so weakly I have done  
"so great a work and labour. Such has been the difficulty and the length  
"of the report, that this fear doth yet affright me. Wherein I must  
"desire the assistance of my masters who made so ill a choice, that,  
"both for their own honour and service, whatever my memory or  
"expression may have failed in, their great abilities will supply. In  
"hope of which, as of your favours, and with an humble acknowledg-  
"ment of my own errors, I submit myself to the judgment of the  
"house." \*

Upon Eliot refusing his feat, no opposition was attempted to the motion submitted by Selden for preparation of a formal charge against Lord Mohun, which he and Eliot, with Noye, Henry Rolle, Hakewell, Littleton, and Herbert were thereupon instructed to prepare. Next day, upon intercession from Sir Francis Annesley, intimation was given that any statement proposed to be made by Lord Mohun must be handed in by the following Saturday, or the house would proceed in its absence. On Friday, however, the new peer presented himself in the upper house; and having taken, as he said, high counsel whether it most befitted him to reply there or elsewhere to the charges brought against him, he proceeded to state that he should make his answer in their lordships' house, to which end there would doubtless be a conference to receive the charge, after which he should prepare to defend himself "with all speed." †

That was on Friday the 30th; and on Saturday order was made in the lower house that the charge should be "with all speed" taken up by Eliot. In a fortnight from this time it had been completed, read in the lower house, allowed, ordered to be engrossed, and committed to Eliot for delivery in regular conference.

\* From the MSS. at Port Eliot. It is endorsed by Eliot himself:  
"Report upon y<sup>e</sup> examinations taken in y<sup>e</sup> complaint exhibited against the  
"vicewarden of the Stanneries. Parl. 4 Car."

† *Journals*, i. 906-907.

With his accustomed readiness and spirit he discharged the task, and of his never-failing courage he had especial need. No man was more deep in the confidence of the court than Mohun. The latest conspicuous example of royal favour, he had received his dignity as the reward of service; and the conduct which Eliot had to denounce in him, was that for which the sovereign had ennobled him. As little indeed as the forced loan, or any other of the expedients for money, had Mohun's petty plunders really enriched the king; and the discouragement they had caused to the tinnors and their craft might have gone far at last to beggar him;\* but they had supported the tyranny of the hour, and had been a thorn in the side of its opponents.

With a full knowledge of the case in this respect, Eliot began the conference. He did not affect to conceal what high favour was enjoyed by the nobleman he appeared to denounce. But he told the lords that they, the knights, citizens, and burgesses of the commons' house, having received from many parts of the kingdom many sad complaints of the great pressures on their liberties, and other injuries intervenient, through the violence and corruption of the officers to whose care those liberties were entrusted; that being informed, from the extreme parts of the west, of most extreme oppressions; but knowing withal the piety and goodness of their sovereign, and considering that the abuse of servants oftentimes reflected a prejudice to their masters, and that even the beams of majesty, under clouds interposed by the exorbitance of ministers, were not seldom darkened and obscured, and the straight line and rule of government itself by such instruments rendered crooked and deformed; they, regarding the honour of their sovereign as but a part of the welfare of his subjects, in order to clear his bright-

\* It was upon the revenues from the Duchy of Cornwall that Charles afterwards had mainly to rely in his interval of government without a parliament. As he had not created his son the Prince of Wales he continued himself to be entitled to them.

ness from the mists that eclipsed it, and to preserve and keep equal to his greatness the reputation of his justice, famous to his friends and fearful to his adversaries, had desired a conference with their lordships; in which, with true and hearty thanks for the continuance of their respective correspondency in all things, and their ready concession to that meeting, he was commanded, though most unworthy of that honour and most unable to support it, to represent a charge against a member of their house, the Lord Mohun, whom avarice, ambition, injustice, violence, oppression, exactions, and extortions almost infinite, had made obnoxious to the cries and exclamations of the country, which upon due examination the commons had found not lightly to be moved, and therefore had thought fit to transmit them to their lordships, to the end that, having had like disquisitions by their wisdoms, they might receive such sentence and definition as should sort with the merits of the cause and the satisfaction of their justice, "which," Eliot added, "we know no greatness can prevent."\*

He then went over the various heads of the charge, enlarged upon the gravity of the wrongs comprised in each, and stated that the witnesses by whose evidence they had all been established to the satisfaction of the commons were in attendance to repeat the testimony at the bar of their lordships' house. The close of his speech was remarkable for its dauntless plain-speaking, and in expression and allusion is as characteristic of Eliot as any of his greatest efforts. Thanking them for their patience in listening to his exposition of the charge entrusted to him, he went on :

"What aggravation, then, can be added? What more may be expected to enlarge it? Would you compare it with the modern, would you measure it by elder times? What examples can be found, what instance can be given, to parallel with this? The injustices,

\* MSS. at Port Eliot. I have copied this, as well as what is shortly to be quoted, from an endorsement in Eliot's handwriting, upon the copy of the report from the commons.



“ the oppressions, the exactions, the extortions on the tinnors, are so  
 “ infinite ; the injuries, the contempts, the scandals, the abuses, to the  
 “ judges, to your lordships, to his majesty, are so great ; that they may  
 “ not unaptly be resembled to the antient wars of the giants with the  
 “ gods, and give that fable truth. In the preparation there has  
 “ been laid Pelion upon Ossa, insolence upon pride, covetousness on  
 “ ambition, violence upon all ; while, in the acts themselves, nothing  
 “ has been seen but disdain of laws and contempt of government : not  
 “ only to the depressing of the commons, but, as you have heard, to the  
 “ scandal of your lordships, nay, to the prejudice of the king, whose  
 “ honour and advantage have no support so sure as the laws and  
 “ liberties of the kingdom, those inseparable accidents and adherents of  
 “ his crown and dignity. I know, my lords, in what high place  
 “ he sits whom you must now encounter. I know the advantage he has  
 “ gotten by being numbered with your lordships. But withal I know  
 “ the integrity of your justice, the sincerity of your worths, which no  
 “ respect, no greatness can pervert ; so that there needs not any invi-  
 “ tation or encouragement to be given you, more than your own  
 “ virtues and the great examples of your fathers will present. I  
 “ remember, in the fiction that was made of the deifying of Claudius,  
 “ who lived not the most excellent of men, it is said that by the  
 “ acquaintance and favour of Hercules he was *secretly admitted into*  
 “ *heaven*. But when the other gods had taken account of his demerits  
 “ and found him not answerable to their worths, to preserve the dignity  
 “ of that place, and the reputation of their order, he was, by a sentence  
 “ of their court, *decreed incapable of that honour, and, notwithstanding*  
 “ *the admission he had gained, adjudged after thirty days to be expelled*  
 “ *again !* — I will make no application. What judgment will be  
 “ expedient for this lord, the cause will best direct : the weight of that  
 “ will be emergent in the proofs ; and to these, for your more particular  
 “ satisfaction, I shall now refer you.

“ It rests, my lords, that I now only crave your pardons for the  
 “ many imperfections I have made in this expression. My known  
 “ weakness and infirmities will, I hope, facilitate the excuse. The  
 “ former favours of your lordships which in this place I have received,  
 “ and the obligation of that honour to which these walls are witnesses,  
 “ give me new assurance of your addition to that debt in particular for  
 “ myself : and that those errors which have happened from my weak-  
 “ ness shall not cast reflection on my masters, who made so ill a choice ;  
 “ but that what my memory or expression may have failed in, their  
 “ more abilities will supply, both for their own honour, and the  
 “ efficiency of the service.”

This noble and fearless appeal was made to the  
 lords on Tuesday the 17th of June. At that date  
 Eliot had no reason to believe that the enquiry might

not have been completed before the session closed. But three days had not elapsed when tidings of a heavy calamity reached him. Lady Eliot was dead. The circumstances are not further known to us than that her health had been failing since her youngest child was born, and that the event, which at last was sudden, took place at Port Eliot. On Friday the 20th of June, the commons' journals contain two notices: "Witnesse against Mohun ordered to be discharged." "Sir Jo. Elyotte, in respect of the death of his wife, hath leave to go down into the country."

He went before the session closed, but not before the appeal to the people, in which he had taken important part, had been drawn up and engrossed. The part so taken by him waits now to be described.

#### VIII. CLOSE OF THE SESSION AND APPEAL TO THE PEOPLE.

Great had been the popular gladness at the enactment of the Petition of Right. Giving account two days later to his brother-secretary at Portsmouth, and after saying that the king's answer when delivered begat such an acclamation as made the house of lords ring several times, Conway told Cooke that he had never seen so general a joy on all faces as spread itself suddenly, and broke out miraculously into bonfires and ringing of bells.\* In a letter written on the evening itself of the day when the true answer was given, Netherfole finds it impossible to express "what joy it doth now cause in all this city, where at this houre they are making bonfires at every doore such as were never seene but upon his majesty's returne from Spayne."† The ringing of bells and kindling of bonfires continued for several days and nights: but there

\* MS. S. P. O. Lord Conway to Sir John Cooke, 9th June 1628.

† MS. S. P. O. "Strand this 7th of June 1628."

was an ominous element in the rejoicing. Tyranny overthrown was easier to understand than liberty reaffirmed and established. The common people thought less of the passing of the Petition than of the defeat of the duke. That he had been deprived of all his offices and sent to the Tower, was the vulgar belief at first; under that impression, which spread beyond London rapidly, the fires were kindled on many a hill and wold through England; and the error had reached even to France and Flanders before the truth was correctly known.\*

The king could read none of these signs, and thought for a time that he had saved his friend. Still regarding the Petition as a price or equivalent for expected service, he withheld nothing that might be wanting to give it effect and publicity. By his express desire, it was not only enrolled in both houses of parliament and in all the courts of Westminster, but it was to be put in print for his honour and the satisfaction of his people.† It was nevertheless in the act of proposing to thank his

\* John Millington writes to his brother Gilbert on the 23rd of June (MS. S. P. O.) that news was reported at Antwerp as received from Calais that "London was 'midst of bonfires and ringings for joy on the 8th of June because of the degradation of the duke from his offices." "It prevailed so far," writes Mede to Stuteville of the same popular impression, "that it went down westward and other parts of the country, where bonfires were likewise made upon the like apprehension."

† Already, however, even if the message to this effect had not been sent on the 10th of June, the resolve of the commons as to their own course had been taken; and doubtless the king knew it. In one of Netherfole's letters, written before the message was known, this curious passage occurs: "On Monday afternoon (the 9th) they agreed on the preface of the bill of subsidy: thus: that if his majesty would please to grant that the Petition of Right and Answer thereunto should be enrolled in the parliament records and in the four courts of justice, then the preface to the bill of subsidy should be very short and such as was prefixed before the last granted; but if his majesty should not consent thereto, then they resolved to insist to have the Petition and Answer recited in the preamble of the bill of subsidy." At the same time they gave order that the committees on trade, grievances, and courts of justice, should discontinue their sittings. What remained to be done was within the province of the house, and their Petition had in principle secured to them. They had only now to appeal to *that*. Next session, Eliot will have to move their renewal.

majesty for all this consideration that Sir John Strangways took occasion to add, "Let us perfect our Remonstrance." And this, to the astonishment and hardly-concealed anger of Charles, is what they proceeded to do.

Two subjects only were interposed. They redeemed their pledge as to the bills of subsidy, and they completed their charge against Manwaring, of whom severe example was made. Upon Pym's carrying up to the lords the impeachment of this slavish divine; who, during the lawless time of the people's suffering before parliament met,\* had preached, twice before majesty and repeatedly in his own parish, that the royal will in imposing taxes required no authority from parliament, but obliged the subjects' conscience on pain of eternal damnation; the man was ordered into custody and brought before the lords, who ultimately, after much show of penitence on his part, sentenced him to imprisonment during pleasure of parliament, to be fined a thousand pounds, to make formal acknowledgment of his offence before both houses, to be suspended for three years from the ministry, to be disabled from ever again preaching at court or holding any ecclesiastical dignity or secular office, and to have his books called in, burnt, and suppressed. Thereupon he was carried to Fleet prison, from which, after six days, he was brought up in custody of the warden, upon his knees at the bar of each house made the required submission, and remained afterwards in the Fleet until the rising of the houses released him.†

A significant fact was elicited during the proceedings.

\* See *ante*, 58 &c.

† Sanderson implies (*Life of Charles*, 115) that the king viewed the matter indifferently. "Truly I remember the king's answer to all — 'he 'that will preach other than he can prove, let him suffer; I give 'them no thanks to give me my due' — and so, being a parliament 'business, he was left by the king and church to their sentence.'" As a set-off to this, we shall shortly hear what Heylin *says*, and what Charles and Laud *did*.

Proof having been given that Manwaring's sermons had appeared with the bishop of London's license, Mountaigne, who still held that see, explained from his place in the lords that he had himself not read the sermons, but that he had licensed them upon express command of his majesty, conveyed to him through doctor Laud the bishop of Bath and Wells, and that for this reason he had directed such express command to be printed on their title-page. The fact was admitted by Laud, and it determined against him a question which the commons had raised. Chief abettor of the duke in support of the Arminian faction, conspicuous already by his favour to popery and his persecution of the purer teaching, and known to have abused the authority of religion to corrupt and undermine the law, it was resolved to name him also in the Remonstrance.

As that memorable paper took shape, the first place in it had been given to religion. But its tone was the same as that of Eliot's grave exposition, at the opening of the session,\* of the inter-dependence of religion and liberty; and it contained little of what afterwards came under reproach as fanatical or strictly puritan. Nevertheless the court might have taken warning by the very ominous prominence which the subject had gradually assumed. Soon after parliament met, a Jesuit college had been unearthed at Clerkenwell; and, though secretary Cooke himself laid the details before the house, a feeling of distrust and dissatisfaction had been left as to the punishments proposed to be enforced against those violators of the law. Gradually had become known, too, the part taken by Laud at Buckingham's instance in preparing the instructions for the loan;† and there was silently arising, side by side with the political discontents, a danger of more awful magnitude. Charles, equally with his ministers, was wholly blind to it. He saw Manwaring punished, but knew that he could rein-

\* See *ante*, 118, and 127-33.

† See *ante*, 55.

state him. Montagu was under ban, but he had the power to reestablish and reward him. Even Laud might be named, but the see of London was getting ready for him. To have these men punished by parliament and rewarded by himself, was but the way, as Laud's chaplain exultingly put it, to have his majesty indeed well served!\* All this, therefore, the king viewed as of minor importance to the fact that the lower house was about to take upon itself to appeal to the people against his own personal friend, and to denounce, as the cause of all their grievances and sufferings, the man he had preeminently singled out for favour.

Under eight particulars, of innovation in religion, of innovation in government,† of disasters abroad, of unguarded seas, of undefended forts, of decay of trade, of decline of shipping, and of want of munitions and materials of war, those grievances had been separately considered by a committee of which Coke, Rich, Eliot,

\* "An heavy sentence, I confess," says doctor Peter Heylin of Manwaring's (*Cyp. Angl.* 170), "but such as did rather affright than hurt him. For his majesty looking on him in that conjuncture as one that suffered in his cause, preferred him first to the parsonage of Stamford Rivers in Essex (void not long after by the promotion of Montague to the see of Chichester). afterwards to the deanery of Worcester, and finally to the bishoprick of St. David's. This was indeed the way to have his majesty well served, but such as created him some ill thoughts amongst the commons for his majesty's indulgence to him. But they had a greater game to fly at than to content themselves with so poor a sacrifice. The day before, complaint was made unto the commons that Laud, bishop of Bath and Wells, had warranted those sermons to the press, and him they had as good a mind to as any other." Laud himself says (*Diary*, June 12), "I was complained of by the house of commons for warranting Dr. Manwaring's sermons to the press." To which, after mentioning the insertion of his and bishop Neile's names in the Remonstrance, he adds an anecdote not likely to be implicitly accepted on his authority. "One in the house stood up and said, 'Now we have named these persons, let us think of some causes why we did it.' Sir Edward Coke answered, 'Have we not named my lord of Buckingham without shewing a cause, and may we not be as bold with them?'" Truly the causes in either case were not far to seek!

† In this were comprised the scheme for bringing over a foreign force, the commission for excise, the taking tonnage and poundage without a vote, the breaches of parliament, and "things tending to an apparent change of government."

Marten, Wentworth, Pym, Selden, Littleton, and Whitby were the members, but in which neither Marten nor Wentworth appears to have taken part; the Remonstrance had been drawn so as to comprize a forcible statement under each of the several particulars, and so presented; and it remained only now to take the sense of the house upon the proposition to specify by name the Duke of Buckingham as the chief cause of all. The final debate had been appointed for Friday the 13th of June; and after all hope had vanished of staying the declaration itself or materially changing its terms, the most extraordinary exertions were persisted in by the court to prevent the insertion of the duke's name. The debate, which had begun early in committee, was continued late; and, though no sufficient record of it has survived, its course and result may be made intelligible, and even a hint of its extraordinary interest conveyed, by the help of some brief notes in the Harleian collection,\* of some allusions in unpublished letters, and of a speech by Eliot which I have found among his papers.

Sir Robert Philips himself had not been entirely proof against the solicitation of the privy councillors.† He would have had the Remonstrance so run as to avoid the formality of a charge, and to state it rather as an opinion than a fact that the duke's excess of power was the cause of all the evils. On the other hand, though not objecting as matter of form to Philips's proposal, Eliot, Coke, and Selden ‡ were positive to name the duke as the cause

\* Given in *Parl. Hist.* viii. 217-18.

† The kind of pressure employed finds curious illustration in a letter of Sir John Maynard (as to whom see *ante*, 268) to Buckingham, wherein he takes credit to himself for having tried secretly to prevent the Remonstrance, and for having taken off many lawyers from naming the duke. He makes the remark also, well worthy to be repeated and preserved, that nothing could exceed the moderation in prospect until the king made his first unhappy answer to the Petition of Right. MS. S. P. O. June 1628.

‡ It was on the suggestion of Selden that to the expression, "excessive power," in speaking of the duke, was added also "the abuse of that power." Not in power itself, but in its excess and its abuse, he argued, lay the cause of all evils.

in such manner as to warrant their calling for his removal from his employments. So, they said, he had been declared already in the last parliament, since when the causes were multiplied, and he had deserved nothing better of the commonwealth. To this they stood firm. The king even sent a message during the progress of the debate, but it passed unheeded. In vain Sir Humphrey May pleaded against personal aspersions; in vain Sir Henry Marten advised such a framing of the appeal as to make it passable to his majesty's judgment and affection; in vain Sir Benjamin Rudyard represented that it would suffice to denounce all excess of power, without naming the duke, offering them the forfeiture of his life if they did not so more securely attain their ends. The majority were not affected by these arguments. But the kind of effect produced by their persistent iteration, and by the unusual urgency and pressure of the speakers who employed them, again called up Eliot. He spoke briefly; but with an impassioned force that condenses still the whole case against the favourite into these few bitter sentences of indignation and scorn:

"I am not more troubled, Sir, at the cause of this  
"dispute than at the dispute itself. That so much  
"argument, so much art, should be used in a matter so  
"notorious, so much known! It is as though we rather  
"sat as apologists than judges. It makes me fear that  
"the question may be turned; and whilst we dispute  
"whether the duke be our great grievance, we conclude  
"it in ourselves, and by our own delays, our own distractions, become a greater. The truth is plain as to him,  
"that he is so. No man can deny it. If it were  
"questionable, a world of witnesses might be brought  
"against him to confirm it. Look generally over all  
"the land. The whole kingdom speaks it. Come to the  
"several parts, they prove it. Go to the court, there 't is  
"most apparent. All honours, all offices, all places, all  
"preferments, are disposed by him. Virtue or service



“merits nothing but as he commands. Resort from thence  
 “to the country, and see what is there. There, too, you  
 “shall find them made odious by his favour, or nothing  
 “by his frowns. Come to the city, that is as the object  
 “of his will. His entreaties are commands, his com-  
 “mands laws. Nothing must be denied him there  
 “that stands too near, too obnoxious. Go to the camp,  
 “go to the soldier. See there, now for those twelve  
 “months that they served under his command, what  
 “they have there wanted, and how many since have  
 “perished for need of that which his riots have con-  
 “sumed.\* Go to the fleet, go to the mariner. What have  
 “they been, better? Nay, how much were they worse  
 “until his fears relieved them! Go to the Exchange,  
 “go to the merchant. What freedom has their trade?  
 “What employments have their ships, *but such as makes*  
 “*them miserable or unhappy?* Go to the courts of justice,  
 “go to the lawyers. What right has he not violated?  
 “whom has he not oppressed? Go to the university,  
 “go to the scholar. What good man does not there  
 “complain him? Witness religion, witness learning,  
 “witness law, whether his power be not the greatest  
 “grievance that they suffer! Come yet nearer home.  
 “Come to ourselves, as we are here met in parliament.  
 “Was there ever the like suffering in this place as there  
 “has been for him? Can their memories that would  
 “defend him give instance of the like? Nay, descend  
 “from thence into particulars. Come to ourselves, as  
 “we are ourselves, without relation. Is there almost  
 “any man here free? I verily believe, if all should  
 “speak their consciences, few would be exempt. What  
 “prisoners has he made? Whom has he confined?  
 “How many could I number, how many *do I see*, whom  
 “his malice has made that way miserable. What exiles

\* I have in a previous work (the *Grand Remonstrance*, 105, and 220) given some illustrations of the incredible extravagance of Buckingham's mode of living.

“ has he caused ! How many has he banished !—  
“ banished from the court, banished from their countries.  
“ Under colour, indeed, of some slight employments that  
“ should permit of their return ; but not the less tem-  
“ porary banishment, nor I presume less troublesome to  
“ those that suffered it, of whom there have been too  
“ many. And if he has given such offices, far more  
“ than were welcome, what offices hath he not taken  
“ away from those who should have retained them ?—  
“ But is it in his injuries only, is it not also in his benefits,  
“ that his nature is declared ? To so much trouble are  
“ his affections disposed, that his very favours are op-  
“ pressive. Those whom his courtesies have put under  
“ obligation must, when they shall make a true account,  
“ admit what they have suffered. Either through the  
“ weight of his desires, or the memory of their services,  
“ they also, I am confident, will in their own particulars  
“ be compelled likewise to point to him as the great  
“ grievance. And shall we now dispute against it ?  
“ Shall we so determine as to make that doubtful which  
“ is so certain, with all places, all persons, all things for  
“ witness ? Does it affect us more \* to defend others  
“ than to secure ourselves ? Does the gravity, the  
“ wisdom, the justice of this house, hold no obligation  
“ on us for the common good ? I am confident we all  
“ do aim at that. We all intend it, or would be thought  
“ to do so. Let us not, then, oppose it ; let us not  
“ retard it ; but, in a case so clear, let our consents  
“ witness our affections.”†

Upon Eliot resuming his seat the question was put. Mede wrote to Stuteville that there had been that day no less than four hours' dispute whether they should expressly name the duke or not in the Remonstrance,

\* He means, “ is it more our business.”

† From Eliot's original MS. In the manuscript book at Port Eliot containing transcribed and collected speeches, the date of the second parliament is wrongly assigned to it.

which at length being put to the question was carried for naming him by more than 100 voices. His meaning is that the predominance of voices was so great as to carry it without division; for the fact is so related by Netherfole. "They have been about it all this day " from morning till six of the clocke at night; and " would not be held from it by a message the king sent " to them to desire them to forbear naming the duke, " *in whose coache I saw his maj<sup>y</sup> even now passe by my* " *window from Somerset-house where I know he had the* " *newes.* God grant his maj<sup>y</sup> be not offended with it. " I trust he will not so farre as to breake the parliament. " There were few voyces for the duke that the house " could not be devided upon it." †

The Remonstrance thus completed, the commons agreed at once to demand their right of access with it to the king's person; and this message, rejecting all Finch's entreaties to be spared so unpleasing an office, they appointed their Speaker to deliver. They separated then; but not yet had the incidents come to a close which have made that summer evening memorable in history.

To what extent the sympathies of London went with parliament, the late rejoicings would have shown the king; and with the eager popular wish that had fathered the thought of the duke's discomfiture, and over his supposed dismissal from his offices had lighted bonfires throughout England, Charles was doubtless made acquainted. Nor is it unlikely, as he passed in the duke's coach that afternoon near the scene where the debate raged, that some ominous signs may have shown themselves even to his narrow and prejudiced vision. But, supposing him to have turned angry away, and sought

\* MS. S. P. O. Netherfole to queen of Bohemia. Though it is dated "Strand 11th of June," and was doubtless begun that day, it bears evidence of having been kept open two days longer.

in an opposite direction to scan the temper of his people, what would have greeted him there?

The theatres in those days emptied themselves early of their visitors, opening at two or three o'clock in the afternoon, and bringing their performances to a close at six or seven. What was played that day at the Fortune is not known to us; but a man who formed part of the audience, and who was eagerly watched by a group of London 'prentices as he quitted his seat and left the theatre, is a figure but too well known. When we saw him last, he was trying his witchcraft on the Thames while his master the duke was breaking the second parliament.\* Since then, skilled in the black art and notorious for an evil life, of whose unutterable vices he had expiated some in prison, his favour at York-house has increased; he has been consulted constantly by his grace the duke; and he is believed to have prompted as well as helped his evil influence by foul and wicked sorcery.† Was not complaint to the lord mayor made

\* See *ante*, i. 576-7, *note*.

† The Percy Society some years ago (1850) published in a tract a selection from the numberless songs and verses that expressed the popular feeling about Buckingham, his quack and astrologer Lamb, and his assassin Felton. The most curious are "a dialogue between the Duke and Doctor Lambe" upon their supposed meeting in the other world, and an "epitaph" on both (p. 58 and p. 64). The poisonings attributed to this man were the least shameful and horrible of his alleged crimes; and making every allowance for excesses of the popular rage, it is certain that the defence made by him, when put upon his trial for a capital offence, was such as to justify out of his own mouth a belief in the worst charges against him (*L'Étrange*, 88). Yet his astrology and quackery had recommended him to favour with the duke's mother, and afterwards with the duke himself, who was known to consult him frequently, who had trusted the cure of his brother Purbeck's madness to his black arts, and who was believed by the vulgar to be also indebted to them for more important help in his conflicts with parliament and his favour with the king. Before I leave these rhymes, collected by Mr. Fairholt, it will not be out of place to quote the opening of one of them (p. 24):

"Excuse mee, Eliot, if I here name thee,  
"The times require it, since few honest be; . . .  
"Tis due you to the world bee understood,  
"More than Rome's Cato, hee who durst be good,  
"When Cæsar dared bee badd. For that great Duke  
"Feares nothing more than your severe rebuke!"

but a few days ſince of a libel torn down from a poſt in Coleman-ſtreet, “ Who rules the kingdom ? the “ king. Who rules the king ? the duke. Who rules “ the duke ? the devil ! ” \* That was the devil, Doctor Lamb, the duke’s devil, the witch, the conjuror, now leaving the Fortune theatre ; and the ’prentices began ſo to call him, following quickly on his track ; until the wretched creature, taking alarm, gathered round ſome failors to guard him, and by the act increaſed the fury of his affailants. As far as Moorgate the fellows he had hired ſeem to have made reſiſtance, but here were overpowered. Pelted then by ſomething heavier than words, exhausted, and in abject terror, the miſerable man took refuge in the Windmill-tavern at the lower end of the Old-jewry. It was too late. The mob, infuriated by this time, and cruel as all mobs are, guarded both outlets of eſcape, and would have gutted the tavern if the vintner had not thruſt him out. He fled once more ; and in his mortal agony twice forced his way into other refuge, from which he was twice dragged out, no one caring to ſuccour him. Then the crowd, howling and ſhouting, cloſed upon him ; beat him to the earth with clubs and ſtones ; and, crying out as they ſtruck that ſo they would ſerve his maſter if he were there, † finally left him as he lay, cruſhed and inſenſible. Even ſo there was no pity or help for him. Reſpectable men had ſeen this wicked deed, raiſing no hand againſt it ; and ſuch men now looked from their houſes to where the mangled wretch was left

\* Mede to Stuteville, June 29, 1628. *Court of Charles*, i. 368. In a previous letter (June 21) he deſcribes the origin of the attack. “ Some “ boys and ſuch like began to quarrel with and affront him, calling him “ *the duke’s devil*, &c.”

† “ They ſay the people cried while they were killing him that if his “ maſter was there they would give him as much.” Mede to Stuteville, June 21. The account in this letter does not materially differ from that which I have given ; but Mede adds this note : “ Some ſay he increaſed “ the rage of the boys and others who firſt abuſed him, by drawing a “ poniard at them.”

to die, none offering to take him in. Against the duke's vile instrument the gates of mercy were shut. Even when the lord mayor's guard, called out at last by the outrage, came up to where he still lay senseless, they could not get any one to afford him shelter; and he was taken to the compter-prison in the Poultry, where he died that night. The keeper found upon his person a round crystal ball and other conjuring instruments. Imposture and quackery are the same in all ages.\*

Enquiry was ordered, but defeated by the want of evidence; for no one would assist to bring the murderers to justice. It was of deep moment to the king that he should have read the incident rightly, and to his minister yet more important; but there was no warning in it for

\* The mention of the crystal ball is in a MS. diary which will be found in the S. P. O. under date of the 14th of June. It has not been printed, and as it has some very curious details nowhere else mentioned, I subjoin it. Upon the main incidents of the outrage the accounts are generally in agreement, and as to these I have included in my narrative all that is necessary. It is Nethercole who says that the poor wretch "thrice housed himself" and was thrice thrust out. "This day Doctor Lambe, being at the Fortune at "a play, gat some saylors to garde him. He came to Moregate, where he "supped w<sup>th</sup> a queane or two. Some boyes wayled his comynge out, "delirous to see him, and followed him. He told them he would make "them daunce naked if they dep'ted not. At the Old-jurye the number "increased. He opposeth. Is driven into the Windmill taverne. There "with stones the tumult increaseth. He is sent out disguised but knowne; "and soe with stones, cudgells, and bordes is knocked doune. None "would suffer him to come into their houses. He is carried to the Counter. "Never spake after. The next morninge he dyed. He had in his pockett "a longe knife w<sup>th</sup> a penknife in it; another longe knife with a penknife; "a broken knife; a sheath which had three knives in one; a round "crystall ball; a dozen of silk pockett [handkerchiefs] broydad; the "picture of the Keep<sup>r</sup> of the Lady Somfett, and of Robte the palatine's "sonne. Such pictures as are ordinarily sould. He had also 5 other "heades drawne fastned on cardes, a gold night cap, and 40s. in money. "He had formerly sayd he should never be hanged but should dye a violent "death. He sayed this morning if he escaped that daye he should "live another yeare. He had sayed if he escaped the Duke should live "another 3 yeares as reported. As Doctor Lambe came down the Wind- "mill-taverne stayers the boy that lighted him downe sayth on his oath "certayne great flies buffed about." It was thought a yet more ominous circumstance that on the day of his death the portrait of the duke in the chamber of the high-commission court at Lambeth should have tumbled out of its frame!

either, and nothing to stay the uncontrollable anger of Charles. To his call upon the city authorities, again and again renewed, that they should produce the offenders, it was in vain they pleaded that "they could not find any that either could, or, if they could, were willing to witness against any person in that business." They were threatened with the loss of their charter, and ultimately had to pay an enormous fine.\*

On the morning of the fourth day after this occurrence the commons presented their Remonstrance in the banquetting room at Whitehall. With singular bad taste, Buckingham had not excused himself from attendance. He was present, and stood by the king, while the commons thanked him, and said that both they and their posterity would have cause to bless God for him, in that he had given a clear and satisfactory answer to their Petition of Right; while they expressed for himself the most unfeigned respect, putting blame solely on his ministers; while, for the church, they warned him against such innovations as bishop Laud and bishop Neale were bent on introducing; and, in regard to the state, reviewed with unshrinking force and plainness all their causes of discontent, recounted their disgraces and disasters, and declared the principal cause of every evil and danger to be the excessive power of Buckingham and its abuse; while they averred it to be not safe to trust into the hands of any one subject whatsoever, so great power as rested in the duke; calling for his removal from his great offices of trust, as well as from his place of nearness and council about the royal person; and at last, with pathetic earnestness, assuring his majesty out of

\* The sum had to be made up by the various companies, and in an historical account of the Worshipful Company of Carpenters the following curious assessments are given: "Received of divers persons of this commonalty according to a precept directed from the lord maior, towards the death of doctor Lambe killed in the Citie of London vij<sup>l</sup>. xvj<sup>s</sup>" Paid in January 1632 for an assessment imposed on our companie by reason of the death of doctor Lambe v<sup>l</sup>."

what depths of sorrow, at the thought of such approaching desolation as must follow his persistence in recent courses, they had lifted up their cries to heaven for help, had applied themselves next under God to his sacred justice, and, now falling at his feet, implored him to hearken to what in truth was the voice of all his people.

Charles had listened uneasily. He offered no interruption: but at its close said, curtly, he thought they had better understood what belonged to them and what to him; for that, after he so graciously had granted them their Petition, he expected not to have had their Remonstrance. As he rose from his chair with these words, Buckingham fell on one knee, as though about to speak. "No, "George," said the king, lifting him with outstretched hand, which the duke kissed; and so they left the room together. "Certayne is it," says Netherfole, from whose letter I take this description, "his majesty's favor to the "duke is noway diminished by this Remonstrance; but "the ill-will of the people is likely to be thereby much "increased, if that were anything to his grace."

What it was to his grace, and what to his master, will be seen shortly. Ill was its preparation meanwhile for what remained to do. From this point Charles had again resolved to take his own course, going back from the Petition; the duke was ready to support him; and both were blinding themselves determinedly to the risks that would have to be run. After settlement of the title by which the Petition was to be entered on the roll,\* which did not please the lords; and of a sharper dispute on the preamble of the bill of subsidy, their lordships claiming in

\* The title as finally settled was "The Petition exhibited to his majesty "by the lords spiritual and temporal, and commons, in this present parliament assembled, concerning divers Rights and Liberties of the "Subjects; with the king's most royal answer thereunto, in full Parliament." It was at the same time agreed "that the king's answer, in French, should "be printed in English, for the better satisfaction of the vulgar." *Commons' Journals*, June 20.



regard to it what the commons declined to concede; \* the bills of supply were passed, and immediately afterwards a short bill introduced of which the object was to grant, until parliament should have met in another session, tonnage and poundage. This was the first practical assertion by the commons of the right guaranteed by their Petition, and upon it the king immediately took issue.

Eliot had a deep interest in the question, as to which his conduct on the parliament reassembling was fated to have momentous results;—in the brief interval now to elapse before his family sorrow called him away, his labours in it were incessant;—and the position finally taken up by the commons in regard to it, mainly at his instance, appears to have been what I shall now proceed to state.

Claiming the right solemnly admitted in their Petition to have no tax or duty imposed without consent of parliament, they at the same time acknowledged it to be the custom to concede to the sovereign, by parliamentary grant, duties on merchandise at the outports, conditional upon commerce in return being adequately protected, and on the duties being only levied upon a settled and equitable book of rates. Of late years, doubtless, the grant had been for the sovereign's life; but anciently it was not so. Even after given for life to the fifth Henry, for his reconquest of France, it was again made annual to his successor; and,

\* The lords had objected that in the front of the bill of subsidies the commons only were named, whereas it should so have run as to include also the lords as a portion of his majesty's "most humble and loyal subjects:" to which the commons, withdrawing nothing, made answer that, while they considered such a suggestion to be of dangerous example, they should ever be as zealous of their lordships' privileges as of their own rights; "where-  
"with the lords were satisfied." *Parl. Hist.* viii. 234; and see *Commons' Journals*, June 16. Conway writes to Cooke that there had been great discussion in the lords whether to send it back again for amendment or to pass it under protest, and that the latter course was adopted. MS. S. P. O. 18th June 1628.

as Eliot shows in his memoir,\* it was not till near the close (the 31st) of the succeeding reign, that, with a special proviso against precedent, the life-grant again was made. Alas! exclaims Coke in his Institutes, so forcible is a precedent when once fixed in the crown, add what proviso you will the kings carry it. From Henry the Sixth downward it had been given for life, but never taken without the formal grant.† The Tudors received it, as the Plantagenets did, from the commons of the realm. To impose, by prerogative, duties in excess of the statutory grant, was the act of the first of the Stuarts, with the results we have seen;‡ and we have seen the attempt first made by his son to take the grant itself without authority of parliament. The channel meanwhile was unguarded, commerce unprotected, and the rates levied so unequally that all the merchants of the kingdom cried out against them.§ In these circumstances the commons proposed their temporary act. We will give you, they said to the king, when the necessary alterations in the rates have been effected, a life-grant for as much as you have heretofore received; but as this may take two or three months to settle, we will now legalise their collection at the ports until we meet again. No, was Charles's answer, I will not take the grant for a less term than my immediate predecessors did. Then the commons, anxious still to evade direct collision, suggested that by the king's not proroguing them, but allowing them to adjourn themselves, they would be enabled, on reassembling, to pass a law with so much retrospective effect as to take force from the day of their original meeting, and cover any collection at the ports in the recess. This also was

\* See *ante*, i. 214-15, 293-4.

† Hume falls into a strange mistake on this subject, which was first corrected by Brodie (*Brit. Emp.* ii. 193).

‡ See *ante*, i. 164-173. And see the allusions of Philips reported by Eliot, i. 366-7.

§ For notices in illustration see my *Grand Remonstrance*, 218-223, and especially 228.

rejected by the king. Nothing then remained but to place on record a remonstrance.

It was moved in the commons' house on the day when Eliot was called away, and in a few words the sequel may be told. The five days passed in settling its terms were also used in a vain endeavour to conciliate the king. Finch was sent to him the day after Eliot left, to point out what the result of the levy without a grant would be: that merchants must refuse payment, and that, if imprisoned thereon, the Petition of Right would be violated. His majesty had well considered it—was the answer taken back by Finch—and on the following Thursday parliament would be prorogued. Thereupon the house came to a vote that on that Thursday morning the remonstrance as to tonnage and poundage should be completed, engrossed, and handed to the king.

Such had been the delays interposed, however, that on the eve of the appointed day order had to be made to interdict all other business at their meeting, and to take the remonstrance at the earliest hour; it being doubtful even then whether the prorogation would be persisted in. The members had crowded to the house, accordingly, and a fair proportion of the seats were filled at a little after seven o'clock. But the Speaker did not make his appearance. He had been sent for at a yet earlier hour, and had left his chambers at Gray's-inn with the royal messenger. Eight o'clock struck, and nine; ten o'clock was approaching; \* and Westminster-hall was brimming over with news brought from the precincts of the court, that parliament was to be allowed to adjourn itself after all, and there was to be no prorogation—when Finch hurriedly appeared. He had been closeted with the king. He took the chair; the remonstrance was produced, already

\* "For prevention whereof," writes Mede of the proposed second remonstrance, "the Speaker was kept at Whitehall past ten, when it was too late, and the king ready to come to the house." Manuscript letters by Netherfole (S. P. O.) are my principal authority for the details in the text.

engrossed; and less than half an hour would have completed all the forms still necessary, when at that instant, hard on Mr. Speaker's heels, Black Rod announced the arrival of the king. Reluctantly and slowly the commons yielded to the unwelcome summons, and the bar of the upper house presented a strange scene. The king was in his ordinary dress, the peers had not had time to robe themselves, and the judges had scarcely been able to scramble in from their courts; but Charles had hastily taken the throne and begun to speak. And never was any speech made by him more singularly characteristic, or fraught with results more weighty. It was the moment in his life on which his choice for the future turned. He had to accept or to reject the consequences of having assented to the Petition of Right; and he chose deliberately to reject them.

It might seem strange, he said, that he should have come so suddenly to end the session; and therefore, before he gave any assent to the bills, he would tell them the cause; though he must also avow that he owed an account of his actions to God alone. He adverted to the Remonstrance in which the commons had named the duke, as one that no wise man could justify; and frankly admitted that he had hurried there that day to close their proceedings some hours before he had intended, and thereby to prevent a second similar declaration from them alleging him to have given away, by his consent to their Petition, the profit of his tonnage and poundage, one of the chief supports of his crown.\* Such a construction of what he had granted was so false that he was there to declare his true intention and hinder worse interpreta-

\* The passages in the second remonstrance to which he referred were those in which the commons "assured themselves that his majesty was resolved to observe his royal answer to the Petition;" and declared "the receiving of tonnage and poundage and other impositions not granted by parliament to be a breach of the fundamental liberties of this kingdom, and contrary to his majesty's royal answer to the said Petition." See Fuller's *Ephemeris*. 218-220.

tions in the country. He had granted no new liberties. He had only confirmed the ancient ones. It was not his intention again to give them cause to complain in regard to the subject's personal freedom, but tonnage and poundage was a thing he could not go without. Words very memorable closed his speech. "I command you all that are here, therefore, to take notice of what I have spoken at this time to be the true intent and meaning of what I granted in your Petition ; *but especially you, my lords the judges, for to you only, under me, belongs the interpretation of the laws*: for none of the houses of parliament, either joint or separate, what new doctrine soever may be raised, have any power either to make or declare a law without my consent."

So Charles the First closed a session for ever made memorable by the Petition of Right. He told the men by whose courage and constancy it was won, that he meant to resume the privileges it had wrested from him ; and he told the judges, whose servile acquiescence already he had secretly received, that on their construction of it he relied to defeat its provisions. But as in his efforts to avoid its enactment, so in this attempt to escape from its control, his over anxiety betrayed him. That he was ignorant of its full meaning or of its binding force, no man could believe ; and it may be doubted if one even of his own servants thought it possible that he should be able to continue to govern as if his consent to it had not been given. In truth the question had ceased to be personal. The pre-eminent value of the statute was that it had for the future placed the liberties of England upon a basis independent alike of the corruption of her judges and the encroachment of her kings. Those liberties might again be violated ; but never again could be pleaded, in palliation or defence, the precedents and usage which the great Petition had deprived of their force and authority. Nor has the debt due to its framers ceased yet to be a warm and living obligation.

It survived to conquer the prerogative through all the evil days that were in store for England, and to this hour it remains the defence and bulwark of her people.\*

The Speaker presented the five subsidies' bill at the close of the king's speech, with remark that it was the largest grant ever voted in so short a time; this, and the other bills, received assent; and parliament was prorogued to the 20th of October. "I pray God his majesty," Netherfole wrote on the same day, "if he do then reassemble it, which many men thinke he will not, may finde it then as tractable as it hath beene hitherto; the parliament men, who are like trane† to the whole kingdom, being gone downe for the most part much discontented." As one of them‡ afterwards said, they had been turned off like scattered sheep, and

\* "To it the people always appealed: to it the crown was ultimately compelled to submit." *Lingard*, vii. 167.

† The meaning I take to be that they drew the kingdom along with them. It may seem due to the king to mention his own version of these incidents, put forth when it became necessary to allay the excitement caused by the subsequent dissolution. It does not materially differ from the account in my text, except by its author's inability to see that the Petition disallowed all claim to levy duties of any kind without authority from the commons; and by his obstinate refusal to recognise, in the all but universal opposition now banded against the government in the lower house, more than "some disaffected persons of that house who by their artifices raised heat and distemper for no visible cause." He frankly admitted his reasons for proroguing so suddenly as he did. He said that out of mere distemper of mind, a few men not well distinguishing between well-ordered liberty and licentiousness ("as if, by our answer to that Petition, we had let loose the reins of our government!"), laying aside the pardon, and other business fit to have been concluded in that session, "went about to frame and contrive a remonstrance against our receiving of tonnage and poundage; which was so far proceeded in, the night before the prefixed time for concluding the session, and so hastened by the contrivers thereof, that they meant to have put it to the vote of the house the next morning, before we should prorogue that session. And therefore finding our gracious favours so ill required, and such sinister strains made upon our answer to that Petition, we resolved to prevent the finishing of that remonstrance, and other dangerous intentions of some ill-affected persons, by ending the session the next morning, some few hours sooner than was expected." He is unable to see that his statements contradict themselves; and that if all this really was but the work and the desire of a few disaffected persons, he might have trusted for his own protection to the vote of the house.

‡ Mr. Strode. See *Parl. Hist.* viii. 364.

sent home with a scorn put upon them. Proof of their discontent, and of the direction it continued steadily to take, had preceded their departure. A bill sent down by the lords for the naturalisation of Dalbier\* was thrown out because he was the duke's creature; and the customary and grateful consent of the commons to the general pardon, conceded always by the king in reply for subsidies, had been withheld, because the pardon would necessarily have extended to the duke and barred a revival of the charges in his impeachment.† The childish eagerness with which the king rejoined upon this increased the excitement the incident occasioned. He took advantage of his own proceeding in the star-chamber against the duke, formerly described and pending still, to order the information to be taken off the file; and a declaration that he was satisfied of the duke's innocence was his next public act after the day of the prorogation.

A few days later, there appeared again upon the walls of the city the libel connecting the king, the duke, and the duke's devil, with a fresh warning under written. "Let the duke look to it, or he will be served as his doctor was served." Double watch and guard was thereon ordered nightly within the city walls. It proved nevertheless insufficient. "More copies were scattered," says Mede; and the same walls exhibited after a day or two a doggrel of plainer speech, which was caught up and repeated by the people as they passed along the streets.

"Let Charles and George do what they can,  
Yet George shall die like Doctor Lamb."

\* See *ante*, 79 and 97.

† To a portion of that impeachment, it will be remembered, the duke had already pleaded the general pardons granted both before and after the old king's death. See *ante*, i. 575.


## BOOK TENTH.

THIRD PARLIAMENT OF CHARLES THE FIRST: RECESS  
AND SECOND SESSION.

1628—1628-9 (JUNE TO MARCH). ÆT. 38-39.

- I. At Port Eliot in July and August.*
- II. Portsmouth on the 23rd of August.*
- III. London after Buckingham's Murder.*
- IV. On the Way to Westminster.*
- V. Houses Reassembled.*
- VI. Religion and its Overseers.*
- VII. Tonnage and Poundage.*
- VIII. The Scene of the Second of March.*

### I. AT PORT ELIOT IN JULY AND AUGUST.

F lady Eliot all that is known to us is the tenderness with which her husband described, as "a losse never before equalled," what had befallen him by her death; and that she was said to have been so devoted to her children as never to have willingly consented to be absent from them. The love of country has no stronger or purer source than the love of home; and the happier such a man as Eliot is under his own roof, the readier he will be to put it all at risk for the general welfare. It is no strained fancy, but a sober inference to say, that what would most have encouraged and sustained him through the stormy scenes of which he has been the hero, was the thought of that quiet country house which held his wife and children.

Upon the sorrow of his present return to it, even



fancy may not intrude. But care for his young children appears largely to have occupied him at first; and some were placed with their mother's father, Mr. Gedie of Trebursey,\* to whom Eliot is lavish of grateful expression for his service at this time. And so the needs of life drew him back to life again; and that which afterwards he left as his experience to his children he now tried and proved. They were to avoid mere sorrow as selfishness. The tendency of all men was to exaggerate what befell themselves. For the privation of whatever they held dear, or was in tender estimation to them, there were nobler remedies than sorrow. What they owed to the favour of God was not happiness only, but "the act of passion and wrestling with calamities." Such trials were their instruction, to better knowledge of themselves and confirmation of their virtue. To them there might be loss when relatives and friends were called away, but to these there had been only gain. There had come to them what finally repels calamity, gives weariness an end or prevents the hardness of old age, sets prisoners at liberty and restores the banished to their country. And for any temporary benefits passed from themselves were they to lament, when the happiness of those dearer ones had become eternal? Let them not think so meanly of death, or so highly of life; but of one as the home and haven always waiting to receive them, and of the other as but an inn to rest in, a lodging for the night, a hostelry in their travels, in their continual journey to the mansion of their fathers.†

When first we again have glimpses of Eliot after his family sorrow, we may observe in him that grave and composed temper. He had quitted London on the 20th of June. His friend Sir William Courteney was with him on the 8th of July at the family jointure-seat of Cudden-

\* See *ante*, i. 20, 460, &c.

† These and similar passages will hereafter be quoted from the MS. of the *Monarchy of Man*, and from letters addressed to his sons.

beck, whither he had gone for change ; and on the 10th of that month, being returned to Port Eliot, he wrote to his friend Sir Robert Cotton to thank him for a letter of sympathy which the great antiquary had sent him. How acceptable his letters were, he told him, and with what advantage "they *now* come," he needed not to say ; for the memory of the loss he had sustained could have "no reparation" like the assurance of the favour of such a friend. But further he had to thank him for relieving, by his letter, the ignorance of those Cornish parts ; almost as much divided from reason and intelligence as their island from the world. And then he proceeded to describe, as only a man might do to whom public affairs appealed with the fervour of a private passion, the dulness and insensibility of that far away district, with its fishing villages and neighbouring man-sions, and its people high and low, to the public condition of the kingdom.

That the session had ended they were glad, he said, because they inferred from it a continuance of the parliament ; but even here they had not the notion of particulars by which they might compose themselves to better judgment. Cotton does not seem to have told him what passed at the closing scene.

"The souldier, the marriner, the shippes, the seas, the horse, the foote  
"are to us noe more then the stories of y<sup>e</sup> poetts ; either as thinges fabulous  
"or unnescessarie ; entertained onelie for discourse or wonder, not with  
"the apprehension of the leaste feare or doubte ! Denmarke and the  
"Sound are rather taken for wordes than meaninges ; and the greatenes  
"and ambition of Auftria or Spaine is to us a meere chimera.  
"Rochell and Dunkirke are all one ! What frinds wee have losse or  
"what enemies wee have gained (more then that enemie w<sup>ch</sup> wee have  
"bredd our selves), is not soe much to us as the next shower or sunne  
"shine ; nor can wee thincke of anie thinge that is not present w<sup>th</sup> us.  
"What they doe in Suffolke w<sup>th</sup> their sojourners wee care not, while  
"there are none billeted on us ; and it is indifferent to our reasons in  
"the contestations w<sup>ch</sup> they have, whether the straunger or the cuntry-  
"man prevail. Onelie one thing geves us some remembrance of our  
"neighbours, w<sup>ch</sup> is the greate resort of Irishe dailie cominge over,  
"whoe, thoughe they begg of us, we doubt maie take from others, and

"in the end geve us an ill recompence for our charitic. This is a bad character I confesse w<sup>ch</sup> I geve you of my country, but such as it deserves. Yo<sup>u</sup> onellie have power to make it appeare better by the honor of your letters, w<sup>ch</sup> come noe where without happines, and are a satisfaction for all wantes to me. Yo<sup>r</sup> most affectionate servante  
"J. ELIOT."\*

*More than that enemy which we have bred ourselves!*  
Into the otherwise impenetrable dulness, gleams of wrath could yet force their way at the thought of the Duke of Buckingham. Worse than all foreign foes, this was the enemy they had themselves bred. But the scene was soon to change. Eliot had not to wait long in his retirement for other news that might have stirred to their depths even those stagnant waters.

Exactly six days before he wrote to Cotton two church promotions were made known. Laud had been raised to the see of London by the removal of Montaigne to York;† the bishopric of Chichester was given to the man whom three successive parliaments had singled out for rebuke and punishment, Richard Montagu; a known Arminian was made bishop of Ely; and a long-suspected papist bishop of Durham. Nor was this the whole. The ink with which he wrote was hardly dry when Roger Manwaring, the divine whom last he had seen degraded on his knees before the bar of the lords in custody of the keeper of Fleet prison, was presented to the living of Stamford-rivers which Montagu's promotion had vacated; his majesty's attorney-general, by special direction some days earlier, having drawn up not only his pardon from the sentence of parliament, but a dispensation to hold with Stamford-rivers his wealthy rectory of St. Giles.‡ Pardons

\* Cotton MSS. (Brit. Mus.) Julius C. III. fol. 168. "July x<sup>mo</sup>. 1628."

† "July 1. My conge-deslier was signed by the King for the Bp. of London." [He had been nominated to the bishopric in June of the previous year.] "July 15. Tuesday, St. Swithin, and fair with us. I was translated to the Bp. of London. The same day, the Lord Weston was made lord treasurer." *Works*, iii. 208.

‡ These statements are made on the authority of documents in the S. P. O. under the dates respectively named. And see *Parl. Hist.* viii. 322.

were at the same time given to Cofin and Sibthorp, who had both incurred the censure of parliament; the one for denying the king's supremacy over the church, and the other for declaring his right to compel the subject's obedience against the laws even of nature and God. Thus ready to help in rewarding friends of popery who had openly defied the law, that high official had been less eager to punish papists who had secretly broken it; and the favour to Montagu and Manwaring excited not deeper discontent, than the escape from Mr. Attorney's indictment at the Old-bailey of all the Jesuits save one (and that one afterwards reprieved) who had established and administered the popish college at Clerkenwell. Nor without remonstrance at the very court itself had these monstrous things been done. Their abettor and adviser could only then refer,\* in proof of his desire to keep peace in the church, to a proclamation calling in and suppressing Montagu's book and Manwaring's sermons. But as it suppressed also, under the same pretence, "all preaching, reading, or making books, *pro* or *contra*, in the Arminian controversy," and as, before its issue, the heresies of Manwaring and Montagu had been scattered broadcast over England, its only effect was to gag and silence the Puritan replies. The

\* See *ante*, i. 252-8, 338, and 385. I have reserved for this place the passage from Laud's letter to Buckingham before referred to, and written upon the objections first made to Montagu's opinions as not those of the English church. Laud then put forth distinctly and in express terms the claim which has frequently since been repeated, and which the English people and all their statesmen worthy of the name have as expressly and vehemently opposed, namely, that "if any difference doctrinal or "other fell in the church, the king and the bishops were to be judges "of it in a national synod or convocation;" that "the church never "submitted to any other judge, neither indeed can she though she would;" and that "if any other judge be allowed in matter of doctrine, we shall "depart from the ordinance of Christ." *Works of Laud*, vi. 244-6. And see the subsequent letter (249) in which bishops Montaigne, Neile, Andrewes, Buckeridge, and Laud declared that "Mr. Montagu in his "book hath not affirmed anything to be the doctrine of the church of "England, but that which in our opinions is the doctrine of the church "of England."

poison had gone free, and the antidote was intercepted.\*

If such were the wrongs to religion and the church whereof news now travelled over England, not less gloomy were the threatenings that accompanied them as to public and state affairs. Within the same few days of which I have spoken, the privy council and offices of the ministry had been re-cast, or freshly distributed. Weston, chancellor of the exchequer, one of the most servile of Buckingham's adherents, and the man who had shown himself most reckless in devices to raise money for the crown; already suspected of popery (in which religion he ultimately died), and with a wife and daughters bred in that belief; had been made a peer and lord treasurer. Lord Newburgh had succeeded him as under-treasurer and chancellor of the exchequer; and the former lord treasurer, Marlborough, had taken the place of lord president. Of the four rebellious members of the upper house who formerly had raised their heels against the favourite,† Abbot and Williams were under disfavour still; but Arundel and Pembroke had made peace, and the latter was now lord steward, his brother Montgomery succeeding him as chamberlain. Baron Carleton had received further promotion as Viscount Dorchester; and duel Dorset, no longer conscious that now, more solemnly even than of old, the passing-bell was sounding for religion,‡ had subsided into the place

\* See *Rushworth*, i. 634-5. "But ere this proclamation was published," says the collector, "the books were for the most part vented and out of danger of seizure, and the suppression of all writing and preaching in answer thereunto, was (it seems by some) the thing mainly intended; for the several answers made by Doctor Featly and Doctor Goad, by Master Burton, Master Ward, Master Yates, Master Wotton, as also by Francis Rouse Esq<sup>r</sup>, were all suppressed, and divers of the printers questioned in high commission." The printers of London, as soon as it was issued, went up to the king with a petition against it; and it formed the subject of a debate in the commons, wherein Pym and Selden took prominent part.

† See *ante*, i. 453, 466, &c.

‡ See *ante*, i. 98-9. I may here add that Dorchester became principal secretary in place of Conway immediately before the houses reassembled,

of lord chamberlain to the queen. The old Lord Manchester, whom an earldom and the presidency of the council had rewarded for submitting to be deprived by Buckingham, after a year's possession, of that office of lord treasurer for which he had paid him twenty thousand pounds, and who still was retained at council for a check on the lord keeper Coventry, was made privy seal. Carlisle and Holland, known only the former by extravagance and the latter by servility and intrigue,\* but both in the duke's highest favour, took important places at the board. There, too, room had been made for one whose promotion carried probably to Eliot the most evil promise of all; but whose reconciliation with Buckingham was even yet so far incomplete, that he had to submit to see his bitterest rival promoted and dignified two days before him.† On the 20th of July old Savile, rewarded already for his ratting‡ by the comptrollership

Conway then, for the brief term of life that remained to him, excluding Marlborough from the presidentship; and that, among the changes immediately following the dissolution, Sir Francis Cottington became chancellor of the exchequer, and Lord Newburgh took the chancellorship of the duchy from May, who, for his brief remaining life, became vice-chamberlain.

\* See *ante*, i. 337. I mention these various changes not only as necessary aids to the understanding of such passages of history as remain to be told, but because the dates are for the most part confused and uncertain in the ordinary histories, which for the most part assume that they were changes consequent on Buckingham's death. They had all been settled before that event. Mede writes to Stuteville on the 18th July, 1628: "My lord Weston is lord treasurer; his predecessor, lord president; the earl of Manchester, lord privy seal; earl Dorset, lord chamberlain to the queen, &c." And again, on the 23rd: "My lord of Arundel is come into favour again, and kissed the king's hand at York-house on Sunday last."

† See *ante*, i. 556, &c.

‡ Sir George Ratcliffe knew more of Wentworth than any man, and, in his brief diary of the leading incidents of his life prefixed to the *Strafford Dispatches*, marks his going over to the court as simply his reconciliation to the Duke of Buckingham. Nothing could be more characteristic. It was to say, in other words, that the cause which for years alone had obstructed it existed no longer. But it was an agreement forced on the favourite by fear, and was not cordial. The intention of the previous ennobling of Savile, no longer in a position to force such a favour, and for more than a year now a mere court instrument (*ante*, i. 556, &c), but whom Buckingham had always thus employed to spite his rival, was perfectly understood. Buckingham's death alone opened freely Wentworth's way.

of the household, was made a baron; and on the 22nd the same honour, by the title of Lord Wentworth of Wentworth-woodhouse, baron of Newmarch and Oversley, was conferred on the member for Yorkshire whose seat he had so often contested. The new peer, at the same time, took his seat at the board; and Charles the First at length possessed a capable as well as a daring councillor.

When first these changes were bruited, it was believed that some concessions would be tried to give a colour of grace to them; and that several of the parliamentary leaders, deprived of their county employments and commissions, were about to be restored. "Noble frende," wrote Sir Oliver Luke from London to Eliot, after touching reference to his grief, "the dystaunce that hath thus devyded us, will I hope shortely be contracted to a nearer conversation; when I assure myselfe we shall meete w<sup>th</sup>out the leaste chaunge. In meane tyme, accountt it some happynes that you are farr from this place; where you can but heare, that w<sup>th</sup> we be holde, fayre professions w<sup>th</sup> unaunswerable actions." One exception there was, where even the fair profession was withheld. "There is," Luke adds, "certainly expected speedily something to be done in matter of religion, for the discounteinge both the Popyshe and Arminian partye. Also to be a generall reparation of all the refractoryes, as they are tearmed, to there auneyntt employments in commysion; *only I heare yourselfe and some such are not graced.*" \*

The allusion to himself, we may be sure, disturbed Eliot less, than the "unanswerable actions" of which tidings were to reach so soon after the "fair professions." What, only too "speedily," had been done in matter of religion, has been seen; and hard upon it followed the rest. No man of the popular party re-

\* MSS. at Port Eliot. See *ante*, i. 22. Luke's hand is nearly illegible, and its difficulties are increased by his extravagant spelling.

ceived favour; but some were especially singled out for persecution. Negotiations, as yet unavailing, had been opened with Littleton, Digges, and Noye; but the condition sternly exacted was withdrawal from the popular ranks. No lack was there of favour on the other hand to such as had contested in any way the power of parliament. The Cornish gentlemen were released; one of them made a baronet; and their expenses paid. Other offenders, whom the commons' house had lodged in the Tower, were also discharged.\* Nor were these the most serious outrages deliberately levelled at parliamentary authority. Fifteen hundred copies of the Petition of Right, prepared for issue by the king's printer with the *soit droit fait comme il est désiré*, were called in and destroyed; and in their stead were distributed a yet larger impression of copies with the false answer. Directions were given to levy customs at the outports, and to seize the goods of such merchants as might resist the payment, as if the tonnage and poundage bill had passed. Imposts were levied by prerogative on wine and currants, and to celebrate their reconciliation his majesty gave one of the patents to Lord Arundel.† And finally the king ordered that the Remonstrance naming the duke should be withdrawn from the records of parliament, and place found there, instead, for his own speech at the close of the session in which he had explained away the great Petition, and had called upon his judges in effect to suppress it.‡ It was very vain;

\* These facts are mentioned in a letter of Netherfole's begun and dated the 30th of June, but not finished and sent until the first week of July. "It is this day sayd also," he writes, "that Dr. Maynwaring is absolved from his suspension, which I hardly believe, since but on Friday last the proclamation was made against his booke. But this is true—that Mr. Long, one of the hottest men against the duke, who hath served all this parliament, though he be a sheriff" (*ante*, 103), "is sued in the star-chamber for having been absent from his county, which will make worke at the next meeting if there be any." MS. S. P. O.

† See *Parl. Hist.* viii. 313.

‡ The authority for these statements will appear upon the reassembling of the houses.



for both Petition and Remonstrance meanwhile had sunk ineradicably into the minds and hearts of the people.

Owing probably to the haste of the prorogation, no special order for printing the Remonstrance appears to have been made in the first session : \* but written copies were as widely circulated as they were everywhere greedily read ; and, about six weeks after the time of which I am now speaking, one of the many clerks and scriveners who then earned subsistence by composing petitions, and by engrossing and copying for sale the proceedings of parliament, was called formally to depose to an incident that had happened to him in his calling, and which possesses still an interest for us. Mr. George Willoughby of Holborn had been in the habit of drawing up, ever since the disastrous days of the Rhé expedition, sundry petitions for a discontented lieutenant in the army, of narrow means, but of good family and gentleman's blood, who had claims for arrears of pay.† He described him as a very little stout man, of few words, but sad and querulous, of dark complexion and down look, and with his

\* Order for the printing was certainly made in the second session ; and after the dissolution the king, apparently doubting the expediency of putting forth an answer which Laud had written and from which extracts were made public (see Heylin's *Cyp. Ang.* 172-4 : Prynne found it among Laud's papers), by proclamation commanded the Remonstrance to be called in. Yet with this proclamation before him Lord Clarendon can bring himself to say, for mere indulgence of a sneer at the long parliament, that the Remonstrance was circulated only by "transcripts among the people"—"the late license of printing all mutinous and seditious discourses being "not yet in fashion" (*Hist.* i. 44). It was a paper of record which it would be in the ordinary course that the house should print ; and, for example of the just dissatisfaction that prevailed when the cost of purchasing transcripts was unnecessarily imposed, see *ante*, i. 344.

† See *ante*, 68, 69. Felton was certainly of the blood of the Arundels. The incident here related is from a deposition taken (after Buckingham's murder) before chief justice Richardson and recorder Finch, which will be found in S. P. O. Dom. Ser. cxiv. 31. In the same collection (32) is a further examination of Willoughby as to his verses about Charles and George (*ante*, 326) which had also been found in his desk. He professed that he had them in a manner by accident ; Daniel Watkins the pantler at Hampstead, "who had them from the baker's boy that brings in the "bread there," having left them one day.

left hand maimed by a wound received in service.\* One day near the middle of July Mr. Willoughby was himself hard at work in his office making copies of the Remonstrance, for which there were many demands, when the lieutenant, whose name was Felton, came to him as usual about one of his petitions. His arrears were a matter of fourscore and odd pounds; and he used to talk against the duke as not only withholding payment, but as the cause why he lost a captain's place. They now exchanged some words about the Remonstrance; and Mr. Felton, having no money to pay for a copy, asked him to be permitted to read it. Being very busy Willoughby refused, and for that time got the other away; but coming back after some days, being urgent, and stating, one may presume from what followed, that he should purchase a transcript if it were what he expected it to be, Willoughby gave the Remonstrance to his clerk, who quitted the office with Mr. Felton; and, as the clerk himself deposed, they went together to the Windmill-tavern in Shoe-lane, and, after remaining there two hours reading it, Mr. Felton took it, doubtless then paid for it, and carried it away. Whether he carried with it yet any shadow of a darker purpose; or could have drawn, from its wrath against the public enemy, any fiercer excitement to his disordered brain than that of his own private, personal, and perhaps unreal wrongs; † will best be left to the reader's fancy. After two or three weeks we have sight of him again.

\* A story of Rushworth's (i. 640), if credible, might otherwise explain this maimed hand. "He was a person of a little stature, of a stout and "revengful spirit, who having once received an injury from a gentleman, "he cut off a piece of his little finger, and sent it with a challenge to the "gentleman to fight with him, thereby to let him know that he valued not "the exposing his whole body to hazard so he might but have an opportunity to be revenged."

† There is a curious story told by D'Ewes (*Autobiography*, i. 382) to account for his morose, retired, and isolated way of life, of "an ancient "quarrel between him and Sir Henry Hungate, whose secret lust he had "discovered, and received from him a most base revenge, being wounded "by him in his bed very dangerously."

His mother lodged at the house of a haberdasher in Fleet-street, and thither he had gone to ask her for money, telling her he was too far run in debt to stay about the town any longer. She could not help him; whereon he said good day to her, and that he would go down to Portsmouth to press for his arrears of pay.\*

Portsmouth was then the scene of busy preparation for the new naval expedition to decide the fate of Rochelle. Stung by Eliot's late reproaches, and perhaps willing to escape for a time the unpopularity that dogged him in London, the duke was resolved again to command in person, and, resisting the advice of his flatterers, had gone to join the fleet.† That was early in August; and the same post-messenger who carried the news to Eliot might have been the bearer also of a letter which concerned the member for Cornwall yet more nearly, which bore date the fifth of that month, and forms now a curious little episode in his personal history.

Its writer was that captain Henry Waller, one of the members for the city of London,‡ known to us by

\* These facts appear in the examination of Eleanor Felton, taken before chief justice Richardson. MS. S. P. O. August 30th, 1628.

† "August 12. Tuesday. My lord duke of B. went towards Portsmouth, to go for Rochelle." *Laud's Diary*. Bagg strongly resisted; casting himself at the duke's feet, and accounting himself master of nothing, neither liberty nor life, but under his grace's favour. Not many days later we find the attorney general writing to secretary Conway to recommend sundry arrests of persons who have promulgated libels against the duke, "false, transcendent, and dangerous." A prosecution was ordered in Cornwall of two seamen who had even reported, as a fact and not an allegory, "the death of the king slain by the cruel hands of the duke;" and the council directed the justices of assize (MS. S. P. O. 20th July, 1628) so to proceed with them as their punishment might serve for a fit correction to them and a warning to others. They were to apply all the severity of the law. The severity of the law, at the instance of dean Cosin of Durham and his chapter, was at the same time in course of application to Mr. Peter Smart, who now preached his famous sermon of anathema against popish practices which associates his name with the history of Laud and Wentworth. MSS. S. P. O. August 1628.

‡ *Ante*, 100. As in this, and in very many of the letters derived from the unpublished MSS. at Port Eliot, I shall embody, as formerly I have done with similar letters of Eliot's earlier life derived mainly from the Public Record Office, their contents in my narrative with only occasional extracts

sympathy with Eliot, and admiration of his conduct in parliament. Beginning "Right noble Sir," he wrote to him that his great love, shewn to himself so unworthy, had occasioned the boldness in him at that time to salute Eliot with a word or two. In the first place he would express his sorrow for the occasion of Eliot's so sudden return into the country, being the loss of so worthy and virtuous a lady, which was one of the greatest temporal crosses that could befall any man. But God was most wise in all His doings, and knew what was best for *His*; and therefore they must all submit to His will, and not account that lost to them which was gained to Him; especially considering that if He took away one blessing He knew how to supply His that rested upon Him with another. Lapsing then into more worldly strain, "I know," he pursued, "it cannot butt be tedious and "solitarie for you, having had so lovinge and comfort-able a companion, now to be alone. And the best "office friends can doe is, to thinke how such a losse "may be repayr'd." Well, then, this was what had moved Mr. Waller to write. Supposing it pleased God an opportunity might be offered there in London that a widow could be found out, who, as well for person and parts as estate, might be thought to be a fit wife for a gentleman of worth and quality, whether Eliot would hearken and incline that way? And this question he was bold to put the rather for that he *did* know a widow, whose husband died much about the time the worthy lady Eliot did; and she was such a one as no exception could be taken at, and already was solicited by men of great birth and worth. But as yet she was free, and intended still to keep so. And having some acquaintance with a near friend of hers whose advice in that way she was

taken in the first person, I think it right to acquaint the reader that he may, as in former instances, rely on the strict accuracy with which the abstracts are made, and that I employ no important word, or form of sentence or expression, which is not in the original. Not merely the substance, but in every case the local colouring, is preserved.

resolved to take, Mr. Waller had, as from himself, mentioned Eliot's name, and had received a very modest and good answer. Thereupon—

“ We entred into no particulars, onlie he askt mee of your meanes  
“ and children : w<sup>ch</sup> I could not fullie resolve him. He is one that  
“ knowes you nott, BUT HONORS YOUR NAME. Thus far I have gone,  
“ of myselfe ; wherein, if I have err'd, it is my love and zeal to doe you  
“ service hath caus'd me. And to that I hope you will impute it,  
“ howsoever you do taste the motion. And thus, craving pardon for  
“ boldnes, with my humble service rememberd, in hast I rest y<sup>r</sup>  
“ worship's ever readie to serve you, HENRY WALLER. I desire to be  
“ rememberd to my worthie friend Mr. Coryton.”

The propofal will seem stranger to us than it did to Eliot. In those days widowhoods were of brief duration, where the wedded life had been happiest ; and nothing was so common as the second marriage far within the time of modern usage or sanction. Mr. Waller had also to plead an urgency arising from the number of suitors of birth and wealth who already were at the lady's feet in but the third month of her mourning. Viewed even from our altered ways, however, there is nothing unbecoming to his lost wife's recent memory in Eliot's reception of the overture of his friend. He makes no reply upon the “ particulars ” desired, and shows nothing of a worldly eagerness. Very general and distant are all his allusions, with sole exception of those that a brave unselfish man at once would make, who knew himself singled out for unscrupulous persecution by the greatest powers in the state, and who shrank from the thought of involving the destiny of another in the too possible evil fortune reserved for himself. In the calmness with which this man of only thirty-eight years old, and of large landed possessions, speaks of his obnoxiousness to the displeasure of the time as not unlikely to carry with it a life-long misery to any one connected with him, we may read his own characteristic determination to follow out to the end the public course he had chosen, though to the utter loss of that private

fortune which already he has only narrowly saved by assigning it from himself to trustees for the benefit of his little ones.

His reply was written from Port Eliot on the 11th of August.\* He began by saying that if anything could be added to the former obligations he had to Mr. Waller's worth and goodness, it would be given by the expression of his letter, rendering so large a testimony of love as could neither be fully requited nor acknowledged. It was his pride to say that in all his sorrows and disasters (for he thanked God he had had variety of both, and yet he hoped not without favour from above), a special consolation had ever befallen him in the affection and assurance of his friends. But that which he had just received from Mr. Waller, so freely and unmerited, laid upon him a debt beyond the proportion of all others, because answerable to the intent it carried—"the re-  
" *paration of a loss never before equalled.*"

"What returne to make you in correspondencie of this, I know not; and in the consideration, I confesse, manie doubts are represented, as I cannot easilie resolve. Upon the late sad change I found in my poore familie, my desires had nowe withdrawne me from all popular cares and troubles, and putt me into a course of privacie and quiett, to which I was retired. The condition I now beare is so obnoxious to the displeasure of the time, that I feare by reflection it may cast that darkness upon others; and soe my love be turn'd to injurie, who would not willinglie give it to that end. If I should be a means to eclipse that virtue which I have in admiration, or, by the obliquitie of my fortune, deduce a prejudice to goodness, it would infuse a griefe into me more than all the former. And, for so ill an office to my friends, I should even turn enimie to myselfe."

He will not however, he says in conclusion, finally then resolve. Such considerations, and what operation they should have, he would leave to be determined by

\* MSS. at Port Eliot. These replies I have found in Eliot's rough draft among his papers. Fortunately for us he had a habit as to all important letters, even before the large leisure of his prison, of keeping copies of his answers; and having had frequent opportunity of comparing several of those drafts with the letters as actually sent, I can speak to their general and surprising accuracy.

Mr. Waller's wisdom. The overture he had made was an argument of such favour and respect, that he could not repose himself more confidently than in its author; from whom, as he had received the intimation, he would likewise crave the direction and advice. By which, being more particularly enlightened, he should guide himself with all due observation to his honour; for which he would ever rest, in like affection to his good, ready on all occasions to expose himself his true friend to serve him, J. E.

Sixteen days intervene before the date of Mr. Waller's next letter; and on the day when it was written, Wednesday the 27th of August, 1628, England was ringing from side to side with the news of what had happened at Portsmouth on the morning of the Saturday preceding. To that event nevertheless there is no allusion until towards the close of the letter, and then by the mere dry remark that it had removed "the only obstacle" to the parliament's reassembling. It is to be remembered, however, that posts were not then a safe conveyance for letters to public persons,\* and that reserve on such a subject would in especial suggest itself to any correspondent of Eliot's. The letter otherwise is to be read with interest. We learn from it all about the lady, and something of the kind of admiration inspired in the writer by Eliot himself.

He had received Sir John's letter, he says, wherein was expressed so much love and respect as could neither be merited, nor in the least measure requited, by anything he was able to do. He was never scholar or courtier, and could therefore neither use eloquence nor compliment. But his tongue and pen were truly the expression of his

\* See *ante*, i. 471. It may be worth notice that Waller begins his three letters in the correspondence, respectively "Rt. noble Sir," "Noble Sir," and "Honoured Sir;" Eliot in his replies using the "Sir" only. No absence of cordiality or friendship was then implied in that simple address between equals, but the tone of Waller throughout is as of one addressing his superior.

heart. Before he sat in the house of commons, he must confess, by mere hearing of Eliot's worth and virtues he had learnt to honour his name ; but when he saw them, himself, so clearly and faithfully expressed in the service of the church and commonwealth, it had engaged him to bend his studies and endeavours if it were possible to do such a man a service. And he should account it a great happiness to be acknowledged by such a "patryotte." As touching the business formerly propounded in the general, he should now give a more particular relation.

"The gentlewoman mentioned is a merchant's widowe. Her husband was an alderman's son in London. He died about the time your worthie ladye died. She is near about thirtie years of age ; and, for person and parts, fit for a gentleman of worthe. She hath but one childe, wh<sup>ch</sup> is a son and her ward. Her husband left to her, and her child, an estate of thirty thousand pounds or near upon : and one half at the least to her use. She hath two kinsmen : the one a merchant in London ; the other a gentleman in Staffordshire, a member of our house, upon whose advice she doth relie. I have spoken with him in London, and he doth well approve of the motion, and wistheth it were in his power to further it. But he tells me she was soe solicited here in London, that she is gone into Gloucestershire ; and is to goe shortly into Staffordshire, to her kinsman's one Mr. Mathew Craddocke, to free herselfe from suitors. And how she maie be prevailed with there, he doth not knowe. But she told him, at her goinge, that she meant to returne about the beginning of the terme as free as she went. Amongst others, our worthie Recorder is a very earnest suitor. He demanded two questions of me which I could not answer. The one was of your meanes, and the other how many children you had ; and said w<sup>th</sup>all, that her desire was to match where was noe children. But women's resolutions are not alwaies constant. I have written likewise unto Mr. Craddocke, in the countrie, to desire his furtherance and to move it to her. And as I shall heare from him, soe I shall give you further intelligence. In these things, the means being us'd, the success must be left to Him who disposeth of all things for the best, to His. There shall be no endeavour wanting in me ; and I shall think it the best action I did this seven yeare, if I might be an instrument to effect it. I hope now we shall meet again at the time prefix'd (if not before, upon this occasion) ; \* *the only obstacle being now removed : of which I doubt*

\* The words in parenthesis "if not before, upon this occasion" are thrown in as an intimation to Eliot that his presence in London for that special



"not but you have beard, together with, the matter thereof, which will produce some alteration, God grant for the best! Thus, fearing tediousness, with my best observance and affection to y<sup>r</sup> worth and goodness, I shall ever rest y<sup>r</sup> poore yet true friend readie to serve you,"  
HENRY WALLER."

Such was the match proposed for Eliot by his friend, and of the accuracy of the description we have other evidence. The lady had all the charms ascribed to her, and all the suitors. Besides the city recorder, Sir Heneage Finch,\* formerly Speaker of the commons, and specially named by Waller, there was not only a treasurer of the navy, Sir Sackville Crow, eager so to retrieve a shattered fortune, but an ardent physician, Doctor Raven, practising among the judges to some of whom the lady was related,† and thereby emboldened to fly to the height of their kinswoman. The temptation of such names to the London wits, when, some two months after Waller's letters, the wealthy widow became town talk, led to much bantering in songs and ballads on the Finch, the Crow, and the Raven;‡ and amusing discovery has been lately made of a fresh suitor who about that time entered the field, in the person of Sir Edward Dering of Kent, and who continued in it, with a pertinacity in ludicrous contrast to his utter hopelessness of success,

matter, without even waiting for the reassembling of parliament, might be desirable. The hint, as we shall see, was not taken.

\* *Ante*, i. 475. I have there committed a slight error in remarking that Heneage was not related to John. He was a distant cousin. It is pleasant to learn further of him, as Mr. Bruce tells us, that besides a residence in the city, he possessed that handsome house and gardens at Kensington which, purchased afterwards from his descendants and converted into a palace by William the Third, has long been "the source of health and of daily enjoyment to thousands."

† Her first husband's sister was that good and pious wife to judge Croke, afterwards dissentient with Hutton and Denham from the judgment against Hampden, of whom Whitelocke, who was himself of kin to her, relates that when her husband was sore troubled at the possible consequence of his then declaring against the crown, she told him she would "be contented to suffer want or any misery with him, rather than be an occasion for him to do or say anything against his judgment and conscience."

‡ See Birch transcripts (*Court and Times of Charles I.* i. 436-437), Made to Stuteville, 22nd and 23rd November, 1628.

up to the very time when the prize was carried off by another.\*

But whatever the hits or misses before the prize is won, we have only to observe the tone in which this last letter of Mr. Waller's was answered to see how small was the chance of Eliot's further interest in the matter. Something in the description may have jarred upon him. Though the lady's name had not been mentioned, he may have known, by circumstances indicated, her relationship to Sir Humphrey May, and seen cause to avoid that connection.† He may not have liked his own proposed rivalry with Mr. Recorder. The objection as to children, shrewdly though Mr. Waller commented thereon, may have seemed to him of graver complexion, considering the number that called him father. Even the renewed enquiry as to his own means, in the existing condition of his fortune and estates, may have been unpleasing to him. For whatever reason, he wrote but after long delay, and very briefly. Nor does it clearly appear that he would have written at all but for a promise he had given, through their common friend

\* I refer the reader to Mr. Bruce's delightful preface to the Rev. Mr. Larking's valuable collection of Dering manuscripts (Camden Society, 1861) entitled *Proceedings principally in the County of Kent in connection with the Two Parliaments called in 1640*. Mr. Bruce has not only sketched in a very interesting way Sir Edward Dering's chequered and fantastic career, and its melancholy close, but has given a curious self-painted picture of his courtship of this widow, by himself and such agents as our old friend Izaak Walton. Of the strange chance that has thus lightly linked her name with that of a greater patriot than poor Dering, he knew of course nothing; but his account of her and her wooers is highly amusing, and he will now perceive, by Mr. Waller's letters, that Finch was in the field at least three months before city talk began to identify its grave recorder with the eager chafe of its wealthy widow.

† In Mr. R. H. Whitelocke's *Memoirs of Bulstrode Whitelocke* (1860), p. 65. There is some confusion in the statement of Mr. Whitelocke, who appears to write from family papers without sufficient knowledge of his own to clear up points left doubtful or contradictory; but the relationship to May is clear, as well as the family connection with the Whitelockes, with Croke the judge, and other legal luminaries; and the lady herself by her second marriage became stepmother to a lord chancellor. From her uncle, Richard Bennett, descended the families of Arlington and Tankerville.

Valentine, that he would shortly see Waller in London. He intended this in the ordinary course of coming up for the session, appointed to begin on the 20th of October; and having left Port Eliot for the purpose, he had reached as far as Tiverton on the 15th of October, and was staying there to see his two elder boys at school, before the order for a further prorogation became known to him, issued in the confusion after Buckingham's death. Then only he wrote to Waller. Not caring to continue his journey for any reason less important than his duty in parliament, he resolved to turn back to Cornwall; but having term business in London requiring the presence of a servant, he sent his man with instructions to take his letter, and, if such "particulars" as Waller had asked for were still desired, to supply them. He is even careful to explain that he only takes that course because of the other occasion requiring the man's presence. Such a pursuit of a lady so desirable might well appear wanting in all reasonable ardour.

Dating from Tiverton on the 15th of October, he told Waller that he had so far advanced in his journey towards him when he met with the proclamation for the adjournment of the parliament; and this was again returning him for a while to the quiet and retirement of the country. But the present messenger, his servant, going up to follow some business of the term, he could not, without some address to Mr. Waller, give the man place so near him: his respect and worth pleading so much merit, that it were an ingratitude not to acknowledge the favour he had received, as it was an obligation of much debt not to have deserved it. He had formerly, he added, given himself wholly to his friend's will; so that if there were anything wherein he might serve him, it must be his fault not to command what was his own. He then took up the theme of Waller's letters.

"For the proposition wh<sup>ch</sup> you made, as I entertain'd it onlie at

"first for being yours, so I shall resent \* it according to the proportion given by you : who, in that, shall be the loadstone by which my course shall be directed. If you intend it further, and want any particulars from me, this bearer will give you satisfaction : whom I have instructed to attend you, and to assure you, that this testimonie of your love has so farr ingag'd me as I am expos'd in all readines to your desires, and sh<sup>d</sup> be happie to receive an occasion to be tried  
"y<sup>r</sup> most faithfule serv<sup>t</sup>  
J. E."

Poor Mr. Waller replied to this on the first of November, and could not conceal his disappointment. He desired his "Honoured Sir" to please to take notice that he had received his letter at the very time when he had hoped, according to Mr. Valentine's report, to have seen his person. He could have wished that Sir John had not met with that which did divert his journey. As for the business formerly propounded, thus it stood. The gentlewoman was at that time in town, and she had been often moved concerning Sir John Eliot. And her answer for the present was, that she was resolved to keep herself free ; and, as yet, would not entertain any motion of marriage till she had settled her estate and her child's : being at present in some trouble about the wardship of her son, who was begged from her by one Mr. Walter Steward of the bedchamber, whose aim was as much at the widow as the child. She said besides, that she was resolved, when she did intend to marry, not to match where any children were, but with a single man. As to that, however, Mr. Waller again took occasion to say, he persuaded himself that few women had that power over themselves, but that when a man came against whom no other exception could be made, such resolutions were soon turned ! There was a greater difficulty to be contended with in the case. "I move at a great disadvantage, *because you are so farr absent*, and others are present, and dailie solliciting." Sir John might reply,

\* The word "resent" is here used in its old signification. Eliot means that he shall only think of it again. The letter is among the MSS. at Port Eliot, endorsed "to captaine Waller."

indeed, that no such encouragement had been given as to justify his coming up of purpose. But Mr. Waller confessed thereupon to a very special reason for desiring it, which may add pleasantly a warm and living touch to the likeness of our hero. As it was said of the great poet, so of the great orator, Mr. Waller entertained a sure belief that no woman near him would be safe. "I wishe your presence," he writes emphatically, "because I thinke, *if she did but see your person and hear your discourse*, she could not have a heart to denie." In the meantime, he should not be wanting, as occasion served, to do his endeavour in that regard or any other; and should think himself happy to be esteemed Sir John's true though poor friend, ever ready to serve him.

Something of Mr. Waller's feeling one may share in looking at the portraits of Eliot which are still at his old seat in Cornwall. Of the purpose for which the later of these was painted in the Tower, the time has not come to speak; but the earlier belongs to the present year, and was copied for interchange with Hampden's when other intercourse was denied the friends. The painting is not by a master, but the face has left upon it the stamp of its own greatness. Its shape is wedge-like, as Raleigh's was; and in the lofty and calm breadth of the upper portion, is very noble: but it is from the general grace and refinement of feature, the firm grave sweetness of mouth, and the large, luminous, dark, and flashing eyes, that the qualities look out upon us still which Mr. Waller very naturally wished to have enlisted on the side of the cause he pleaded so earnestly.

But the reiterated earnestness availed not; and so the curtain falls on the little episode in a great man's story. It does not appear that any other letters were interchanged, and certainly Sir John did not come. He was silent; he stayed at Port Eliot; and the well-dowered widow was left to choose out of the crowd already at her feet. Since we counted them last, and besides Sir

Edward Dering and the Mr. Steward just named, a Mr. Butler has entered the lifts, and with him Sir Peter Temple of Stowe, Sir Henry Mainwaring, Lord Bruce, and the Viscount Lumley. The Raven and Crow had seen reason to take flight somewhat earlier, but the Finch made his note more acceptable, and still held his ground. Captain Waller had truly prophesied that the lady did protest too much of her dislikes and likings. Her preference for a bachelor and her disapproval of children ended in her taking a widower with a daughter and three sons; in April 1629 she became Lady Finch; and Eliot's admirer was left to grieve that the face and voice which had such power over himself and listening senators at Westminster, had not been permitted to exercise its charms over the pretty and wealthy Mrs. Bennett, of the parish of St. Olave in the Old-jewry.

## II. PORTSMOUTH ON THE 23RD OF AUGUST.

A few days before Buckingham went to Portsmouth to take the command, the king had gone with him to Deptford to view ten of the ships designed and ready rigged for Rochelle. "There are some, George," said Charles, "who wish that both these and thou mightest both perish. But care not for them. We will both perish together, if thou doest." \* The idea of some mishap to the duke had become strangely familiar elsewhere than in the streets which so calmly had witnessed the murder of his creature Lamb; and it may not be forgotten that this was an age in which assassination for political purposes had received high approval even from the duke himself, and from the crafty old king who raised him into favour.† "Were it not better," said Sir Clement Throgmorton to him on the eve of his departure, "that

\* Ellis's *Orig. Lett.* iii. 253.

† This will hereafter be shown.

"your grace wore a privy coat or secret shirt of mail."  
 "It needs not," replied Buckingham carelessly. "There  
 are no Roman spirits left." \*

It was certainly not a Roman spirit whom we last saw on the morning of Tuesday the 19th of August, at the respectable haberdasher's house in Fleet-street where his mother lodged; but it was a spirit well suited to the commission of a desperate and dangerous deed. It was the spirit of a man whom habits of self-isolation and seclusion, morbid religious passion, and a long brooding over real or fancied wrongs, had deprived of pity and fear, and transformed in his own belief to a selected instrument of vengeance.† The object for which he wanted the money he asked that morning from his mother, we now know. Though it is more than a month since he first saw the Remonstrance, his determination had been taken finally only on the previous day; ‡ and early on the following morning, prepared to walk or ride as the means might present itself, he set out for Portsmouth. Before departing, he went to the church which stood at that time by the conduit in Fleet-street, and left his name to be prayed for on the Sunday following as a man disordered and discontented in mind. Two actions more completed his preparation. At a cutler's shop on Tower-hill he bought a tenpenny dagger-knife,§ which he so fastened in its sheath

\* Wotton's *Reliq.* 112. And see D'Ewe's *Autobiography*, i. 381.

† A woman with whom he had lodged some time, Elizabeth Josselyn, the wife of a stationer, afterwards gave evidence as to his habits. He used to borrow many books, she said. He was a melancholy man, much given to the reading of books, and of very few words. She had never, in all her knowledge of him, seen him merry. MS. S. P. O. 3rd October, 1628.

‡ The most reliable accounts from his own lips (to be hereafter quoted) are from the pen of Dudley Carleton; and the reader will be struck by the discrepancy which Willoughby's deposition enables us to detect, that whereas he told Carleton his determination came into his mind only on reading the Remonstrance, and had been formed but on the Monday before the deed, we now know that he had read the Remonstrance five or six weeks before.

§ Accounts differ as to the price. Sanderfon describes it (p. 123) as "the point end of a tuff blade, stuck into a cross hilt, the whole length, "handle and all, not twelve inches;" and gives it as Felton's confession to

right pocket that he might draw it without help his maimed left hand ; and upon a paper which he ards pinned to the lining of his hat, he wrote and iberd with his name ("Jo: Felton") these words : it man is cowardly base and deserveth not the e of a gentleman o' Souldier that is not willinge to ifice his life for the honor of his God his Kinge and Countrie. Lett noe man commend me for doinge t, but rather discommend themselves as the cause ; for if God had not taken away o' harts for o' sinnes would not have gone so longe unpunished." \* His might be otherwise disordered, but it had taken perception of his present purpose, and reasonable for its successe ; and, in the very probable event of m death in effecting it, had so arranged as to leave our of religious design and just retribution upon t of morbid and fanatical discontent, which had for its wicked indulgence an excuse in the public ls and wrongs. He traversed the seventy miles en himself and his victim between Wednesday and lay, and entered the high-street, Portsmouth, at a before nine in the morning.†

ere was standing then in that street, at what but a while since was distinguishable there as number ten, a low irregular building of two stories, belonging to a

he many who questioned him, "that passing out at the postern gate Tower-hill he elipied that fatal knife in a cutler's glasse case, which he it for sixteen pence."

is a singular instance, not merely of the carelessness of Clarendon, he eagerness with which he put his own desires and passions before b, that though he had abundant opportunities of knowing all the the case, he declares the writing on the paper found sewed into the f Felton's hat to have consisted of "four or five lines of that ration (Remonstrance) made by the house of commons, in which had styled the duke an enemy to the kingdom." *Hist.* i. 46.

on the authority of Sanderfon (*Life of Charles*, 122) who reports Bon made shortly after the act, Felton is alleged to have stated that ntered Portsmouth, coming by a cross erected in the high-way, he ed the point of his knife upon the stone, "believing it more proper rice to advantage his design, than for the idolatrous intent it was rected"—but the authority for the confession is not satisfactory.



gentleman named Mafon, which had been fitted up for the lord-admiral and his officers. The sleeping-chambers of the second story opened upon a gallery, crossing the end of the hall which led to the outer gate, and which communicated, inward, with the breakfast and other sitting-rooms by a short, dark, and narrow entry at the bottom of the gallery stairs, forming a necessary passage in and out of the hall. Level with the hall was the kitchen, whose windows overlooked it and the court and offices adjoining. From an early hour on this particular morning, the state of the hall, crowded with officers passing to and from the open gate at which a guard was posted, showed an unusual excitement. There had been a mutiny among the seamen the previous day, of which the stir had not yet subsided; and there were also other reasons for the throng around the gate.\* The king was at a country-seat only four miles away,† having come to see

\* For a remarkable notice of this mutiny and of the part taken by the duke therein, it having had its origin in the execution of a sailor by sentence of court martial for having "affronted the duke a seventh night before," see Rous's *Diary* (Camden Society 1856), 27. The only other notice I have found of it is in an unpublished letter of Netherfole's to be hereafter quoted, respecting the murder, in which he says: "At Portsmouth the day before a sailor was certainly killed in a kind of mutiny there was 'there: some say by a servant of the duke, others by his owne hand.'"

† Sir Daniel Norton's at Southwick. I have endeavoured to render the narrative in the text as strictly accurate as possible in all those details which are given generally in a way more or less confused and contradictory in all the accounts known to me: and I have stated nothing not derived from reliable and authentic testimony. Although Carleton had come over expressly at nine o'clock on this fatal morning to summon Buckingham to the king, the duke, eager to be himself the bearer of the news as to Rochelle which he had received only an hour earlier, had anticipated the summons, and his coach was already at the door to take him to Southwick. Alluding to this very news as having arrived at eight o'clock, Carleton writes that "therewith he was hastening to y<sup>e</sup> king who that morning had sent "for him by me upon other occasions" (MS. S. P. O. 27th August). Clarendon's account (*Hist.* i. 44-49) is upon the whole the least trustworthy; and the long ghost story which he tells in connection with it (68-72), is to the full as silly as most ghost stories are, which is saying a great deal. In his *Life*, however (i. 10), he relates a coincidence sufficiently odd to be worth mention, that, being then a youth of 18, he was reading to his father out of Camden about the arrest and confession of John Felton, who fixed the pope's bull to the bishop of London's gate in Elizabeth's time, when

the duke aboard; and Lord Dorchester (Dudley Carleton), the bearer of dispatches from London a day or two before, had just ridden over from his majesty to request the duke presently to join him. But the duke's coach was at the gate when he arrived; and as he dismounted at the entrance, he saw the duke himself coming from the duchess's room down the gallery stairs into the breakfast room, "and in greatest joy and alacrity I ever saw him in my life." Three days before he had celebrated his thirty-sixth birthday.

In the breakfast room he was met by the Prince de Soubise and a party of huguenot officers, who had hurriedly entered the house before Carleton, and whom the same news that had called up the duke's alacrity and joy had filled with terror and misgiving. Very shortly before, these Frenchmen had come over to England with reiterated and urgent prayer for the poor brave Rochellers, now in their last extremity. By this time the great cardinal had pushed his circumvallations up to the very mouth of the harbour, across which he was stretching a mole and boom of fifteen hundred yards long, that would leave only room for the tide's ebb and flow; and the besieged, who had been trusting still to the promised help from England which so often had betrayed them, saw before them at last unavoidable ruin. If succour did not come, it was now but matter of time. Famine had reduced their fifteen thousand men to four thousand; and those whom it had spared were arrived very nearly to the last of the dogs, cats, horses, hides, and leather, on which alone they had lived for months. So had the Duchess de Rohan lived, and her little delicate daughter, upon a daily ration of horse flesh and five ounces of bread. Yet it was now that Buckingham chose to believe in the rumour conveyed to him this very morning, that Soubise's brother, the Duke de Rohan, had been able so far to

there came a post rapidly through the village and past his father's door with the news of the duke's murder by the old popish zealot's namesake.

relieve Rochelle by land, that the departure of the English fleet might even yet be delayed; and it was to warn him of the danger of putting faith in such falsehoods\* that the Frenchmen were hastening to the breakfast room.

They might have saved themselves the trouble if they had known that, only a day or two before, Lord Carleton had brought down to the king and duke dispatches from the Venetian envoys in London and Paris, of which the contents have since become known to history, and which have established beyond all question that the object of the expedition now in hand, and for which the duke, only the night before this fatal morning, directed a celebration throughout the fleet of such prayers to God as might draw upon it His blessing, was only to negotiate and not to fight.† What passed during the next half hour in the breakfast room has not been told, beyond the fact that a more than national vivacity of gesture and voice had accompanied the arguments of Soubise and his friends. It was about half-past nine when the door opened. There was a stir among the guards and officers that lined the hall; everyone had business of his own; and as Carleton and others pressed through to remount their horses waiting at the gate,‡ no one noticed a short thick-

\* The truth with all its terrors was afterwards known. "They were," writes Mede on the 25th October, "never relieved since they were blocked up; whatsoever message the duke was going to tell the king, when the fatal knife struck him." *Orig. Lett.* iii. 270.

† This fact is placed beyond question by Carleton's *Letters* (xxi.). Lingard has stated the case, though with natural leaning to the Roman-catholic view, with no unfairness. "The task of commencing a reconciliation was intrusted to the Venetian ambassadors at the two courts. . . . It was finally agreed that Buckingham should sail with the expedition to La Rochelle; that he should open a correspondence on some irrelevant subject with Richelieu; and that this should lead, by accident as it were, to a public treaty. His instructions were drawn and delivered to secretary "Carleton" (he was *not yet* secretary) "who arrived with them in Portsmouth, just in time to witness his assassination" (vii. 169). How strikingly this corroborates the view uniformly taken by Eliot, that there was never any real heartiness in the duke's show of zeal for the Rochellers, it needs not to point out; and as to the religious celebration, see MS. S. P. O. Buckingham to Pennington, Aug. 22.

‡ Explaining to his correspondent in his second letter what he well calls

set figure, in travel-stained drefs, which crossed quietly to where the press was thickest "near the issue of the " room," and took its place in the shadow of the narrow entry intervening.\*

When Buckingham appeared he was talking to an English colonel and great favourite, "honest little Tom " Fryer," who hardly stood as high as his shoulder. Stooping to speak to him as they crossed the passage, the duke suddenly staggered backward, flung something from him as he cried out "Villain!" and, placing his hand upon his sword as with desperate effort to recover himself, stumbled a few paces forward against a table in the hall, and, through the arms of those who had now rushed to his support, while blood started from his nose and mouth, sank dead to the ground. They thought it apoplexy, till the truth glared on them from the flowing wound and the knife plucked out and cast away. He had been struck heavily over Fryer's arm through the left breast, and the knife had entered his heart. The Earl of Cleveland was following, and said afterwards he heard a "thump," and the words "God have mercy on thy " soul."† But no man could be trusted for what he heard, or did, at that moment of universal dread and horror. Then was there nothing, says Carleton, but noise and tumult, shouts and cries and lamentings, every man drawing his sword, and no man knowing whom to strike

the strangeness of "such a blow to be struck in the midst of the duke's " friends and followers," Dudley Carleton writes: "You must know y<sup>e</sup> " murderer took his time and place at y<sup>e</sup> presse near y<sup>e</sup> issue of y<sup>e</sup> room, " and many of us were stept out to our horses, as I myselfe was to go to " court with the duke." MS. S. P. O. Aug. 27th.

\* Wotton (*Reliq.* 112) describes it as "a kind of lobby between that " room and the next," and "somewhat darker than the chamber which he " voided."

† "Sir Robert Brooke, who on Wednesday invited me to the Rose, " affirmed that my lord of Cleveland, who had but newly turned his back " upon the duke and was so near that he heard the thump, avouched that " when he gave the blow he said, 'God have mercy on thy soul!'" Mede to Stuteville, 20th Sept. Sanderson laughs at the story (121), but tells several himself that are far less credible.

nor from whom to defend himself. In the midst of it, Felton had pushed out into the kitchen, losing, as he did so, his hat, which fell into the hands of Edward Nicholas.\* And while some started out to keep guard at the gates, and others ran to the ramparts of the town, the few who had witnessed in the breakfast room the ultra-lively agitation of Soubise and his friends, and, ignorant of their language, had mistaken it for a personal difference with the duke, set up the cry of "A Frenchman! a Frenchman!" Upon this the murderer, who stood quietly at a window of the kitchen looking into the hall, taking this cry for his own name, which he supposed to have been read from the paper in his hat, drew his sword and went out into the court, saying, *I am the man; here I am.* His drawn sword, not less than his confession and his uncovered head, invited the fate which would then have silenced him for ever, but for the instant interference of Carleton, Sir Thomas Morton, and Lord Montgomery, who dragged him from the throng, of whom not the least furious was the cook, who had "run at him with a spit."†

Most piteous is that which remains to be told. The hall had been emptied by the rush that filled the court, and the body of the murdered duke, lifted from the ground upon the table, lay there alone.‡ "There was

\* Nicholas kept the paper which was fastened to the lining, and through his grand-daughter, the wife of Evelyn, it came into the possession of that family, and thence, on discovery of Evelyn's papers, to the hands of Mr. Upcott, in whose collection it remained many years.

† Carleton's two letters are my authority for these facts. In that of which a copy is in the S. P. O. (27th August) he says: "A voice being current in the court, to which y<sup>e</sup> window and door of y<sup>e</sup> kitchen answered, a *Frenchman, a Frenchman*, and his guilty conscience making him believe it was *Felton, Felton*," &c. &c.

‡ "I heard divers of them," says Warwick (*Memoires*, 35), "relate the various circumstances of this foule fact; and those that came latest agreed in this, that so distracted were the thoughts of most men there, that they, that a little before crowded to be of his remotest followers, so soon forsook his dead corpse, that he was laid upon the hall table, nigh to which he fell, and scarce any of his domesticks left to attend him. Thus upon the withdrawing of the sun doth the shadow depart from the painted dial."

"not," says Wotton, "a living creature in either of the chambers, no more than if it had lain in the sands of Ethiopia."\* But the solitude could have lasted only an instant, when out upon the gallery-landing stood two distracted women, whose appalling shrieks rent the air. The wife of the duke's brother was staying with them, and, at the first shock and confusion, had rushed out of her own room into that of the duchess, and fallen on the floor. The duchess, who at the time was pregnant, was still in bed; but as her women lifted Lady Anglesea, she started up with some horrible perception of the truth, and, in her night-gear as she was, ran out into the gallery followed by her sister, "where they might behold the blood of their dearest lord gushing from him. Ah! poor ladies!" continues Carleton, "such were their screechings, teares, and distractions, that I never in my life heard the like before, and hope never to heare the like againe."†

Secretary Cooke was staying at the governor of Portsmouth's house, had dined with the duke the previous day, and was now one of the actors in the agitated scene. News of the murder having been sent express by captain Charles Price to the king,‡ and orders to the governor

\* *Reliq. Wott.* 112. "Whereas commonly in such cases you shall note everywhere a great and sudden conflux of people unto the place to hearken and to see, it should seem the very horror of this fact had stupified all curiosity, and so dispersed the multitude."

† "The duchess being with child, hearing the noise below, came in her night geers from her bed-chamber, which was in an upper room, to a kind of rail, and thence beheld him weltering in his own blood." *Howel's Letters*, 203.

‡ *Howel's Letters*, 203. Howel was just the sort of gossiping person about town to set down the mixture of truth and error we find in his account: but there are some characteristic points. "Jack Stamford would have run at him, but he was kept off by Mr. Nicholas; so, being carry'd up to a tower, Capt. Mince tore off his spurs, and asking how he durst attempt such an act, making him believe the duke was not dead, he answer'd boldly that he knew he was dispatch'd, for 'twas not he, but the hand of Heaven, that gave the stroke; and though his whole body had been cover'd over with armour of proof, he could not have avoided it. Capt. Charles Price went post presently to the king four miles off, who being at prayers on his knees when it was told him, yet never stirr'd."

for a guard of musketeers to take the murderer, Mr. Secretary and Lord Carleton, unable to repress their desire to ascertain if he had any accomplices, had Felton brought before them. What then passed, and is since known to us by Carleton's private letter written that night to the queen,\* is the only record of any examination of the unhappy man on which real reliance can be placed. He told them that he was a protestant in religion. He expressed himself as partly discontented for want of eighty pounds pay now due to him,† and for that, he being lieutenant of a company of foot, the company had been given twice over his head to another. And yet, he said, it was not that which did move him to the resolution of what he had done: but that, on reading the Remonstrance of the house of parliament, it came into his mind that in committing the act of killing the duke he should do his country a great good service. He conceived that so he might make himself, as he said, a martyr for his country. It was a sudden determination. The resolution to execute it was taken the Monday before, he being then at London; and on the next day but one he had come from thence expressly, arriving at Portsmouth not above half an hour before he committed the deed. He added that he had been able to make provision, at leaving, to get himself prayed for "to-morrow" in one of the London churches. "Now we," says Carleton, "seeing things to fall from him in this manner, suffer'd him not to be further question'd by any; thinking it much fitter for the lords to examine him, and to finde it out, and know from him whether he was encouraged and sett on by any to performe this wicked deed." ‡

\* Published first by Sir Henry Ellis in the first series of his *Orig. Lett.* iii. 254. I have already quoted from the MSS. of the S. P. O. the contemporaneous copy of another letter from Carleton, under date of Aug. 27th, supplying additional touches, and confirming every statement of the first.

† The reader will observe how strikingly this corroborates the deposition of Willoughby.

‡ In his second letter Carleton writes: "We could not then discover any

That Felton *had* been so set on, was the rooted conviction of the court; and for the more than three months of imprisonment before he expiated his crime, a torture of ceaseless questioning was applied to wrench it from him.\* Nothing nevertheless was elicited but the fact of the Remonstrance, whereof the utmost possible was made; and that of his alleged penitence and remorse, which has certainly been greatly overstated. The truth, even as to such a diseased zealot, is important in the degree wherein all truth is so; and examination of the evidence has convinced me, that, though he professed at the last a religious penitence for his mortal share in the act, he still morbidly believed the act itself to have had a prompting beyond him, and a design directed to the good of church and commonwealth. To the end, we shall find that he bore himself with great composure, and, as he took death when it came, "stoutly and "patiently."†

"complices, neither did we take more than his free and willing confession: "but now his majestie hath ordayned by commission y<sup>e</sup> lord treasurer, lord "steward, earl of Dorset, secretary Cooke, and myselfe to procede with "him as y<sup>e</sup> nature of y<sup>e</sup> fact requires, and wee shall begin this afternoon." MS. S. P. O. 27th Aug.

\* See, for one of many as remarkable examples, Ellis's *Orig. Lett.* (1st Series) 265-6; the evident blundering exaggeration of a portion of the statement of the two divines in that letter being in complete contrast and contradiction to what immediately follows it. First the wretched man is represented as *wishing* to be tortured; and then, when the possibility of torture is proposed, as coolly telling Laud and Dorset that they had better not persist in applying it, as he shall in that case probably accuse *them* of having set him on!

† Ellis's *Orig. Lett.* 1st S. iii. 281. At the close of his second letter, four days later than the first, Carleton says: "The murderer gloried in his act: "y<sup>e</sup> first day; but when I told him he was y<sup>e</sup> first assassin of an English- "man, a gentleman, a soldier, and a protestant, he shrunk at it, and is now "grown penitent. It seems this man and Ravillac were of no other "religion (though he professeth other) than *Assassinisme*." The last sentence shows how little important Carleton thought such penitence as was professed. Sir Edward Dering, writing in the middle of September, describes him carrying the act "with the bosom of a quiett settled con- "stancy" and "professing he would do itt were itt to do againe." We shall find friends of Eliot's similarly writing to him. Rushworth (i. 638) substantially says the same: "He did acknowledge the fact and condemned "himself for the doing thereof: yet withal confessed he had long looked



The king was at morning prayers with his household when captain Price dashed up to Southwick with the terrible news, which it became the duty of Sir John Hippisley to convey to his master. He crossed amid the kneeling servants to where the king was in the same reverent posture, and whispered it in his ear. As Charles knelt, his head was bowed and his face concealed; but whatever may have been the shock or pain inflicted, no outward sign revealed it. He remained still and unmoved until prayers were over, when he proceeded with the same show of calmness to his room, and flung himself on his bed in a passion of tears.\* His first acts on recovering composure were characteristic. Order was sent to take possession, at Portsmouth and in London, of the papers of the duke; and direction was given to shut all the ports. The despatch of unauthorized news, it was said, might injure the public service.† The belief really was that the murder was part of a conspiracy, and that its aiders and abettors might be escaping beyond the sea.

What I had to say of the character of the celebrated person who from the highest pinnacle of power and

"upon the duke as an evil instrument in the commonwealth, and that he "was convinced thereof by the Remonstrance of Parliament." D'Ewes, who busied himself to get all accurate information about the matter, says also the same; and that "even to his death" Felton maintained that tone. What he says is further noticeable for the fact that he states more correctly than anyone else the time when the Remonstrance fell into Felton's hands, and shows the error in the first confession. It was two months before the deed, he remarks; and says that during all the interval Felton had been wrestling against the temptation by fasting and prayer. The amount and direction of his penitence at the last, D'Ewes thus describes: "I confess, said "he, I did sin in killing the duke; and I am sorry that I killed an im- "penitent man so suddenly, but I doubt not but that great good shall "result to the church and commonwealth by it." *Autob.* i. 386. In Rous's *Diary* (28) there is a letter from the officer of musqueteers who had guard of him after the event, in which he says: "The villain in respect of my "office was committed to me: he is a very bold resolute young man, and "doth not repent his facte, as perswading himselfe that he hath done good "service to the king, state, and country."

\* Warwick's *Memoires*, 34. Clarendon's *Hist.* i. 49.

† MS. S. P. O. Dudley Carleton to sec<sup>y</sup> Conway. 23rd August. "Southwick at 10 o'clock at night."

favour sank thus suddenly into death, has been already said; \* but faults as well as merits were the secret of his fascination over Charles, and of the profound grief occasioned to his friend by his death there can be no doubt whatever. It went about the court for a time, upon the report of the household who had seen the news whispered at prayers, that his majesty was probably not sorry to be rid of a servant very ungracious to his people, "and the prejudice to whose person exceedingly" "obstructed all overtures made in parliament for his "service;" but those rumours did him injustice in one respect, and more than justice in another. He never again trusted any man as he trusted Buckingham, but from his fate he took no warning against employing ministers ungracious to his people. Though in future his own chief minister, the duke's memory will still be the measure of his favours and his frowns. Whoever served or was loved by the man most hateful to his subjects, he will love and serve; and whoever had discovered themselves, as Clarendon expresses it, to be his enemies, or against whom the duke had ever manifested a notable prejudice, he will mark out for hatred or disfavour.† One person of the former class there was, alive ordinarily to all superstitions, whom it concerned as deeply as the king to have read the awful incident rightly; and who first had knowledge of it at such a time as might well have made, on him at least, unusual and lasting impression. On the day following the murder Laud received news of it while assisting at Croydon in that episcopal consecration of Richard Montagu‡ which more than

\* See *ante*, i. 397-400. And see i. 337 *note*.

† See as to such promotions *Orig. Lett.* iii. 262 and 270. Clarendon (*Hist.* i. 50) says the feeling lasted up to the period of Charles's death. In the same passage is the account of the king's payment of his favourite's debts, and care of his widow and children.

‡ I request the reader to correct a mistake upon a previous page (i. 345) in which I have carelessly anticipated by nearly five years Laud's elevation to Canterbury; though in a subsequent passage (*ante*, 98) I was careful to note the reinstatement of Abbot after his suspension. But so odious

any other single fact had swelled the popular and puritan rage against the man whom a religious fanatic had thus suddenly slain. But the superstitious keep all their disbelief for what it imports them most to believe; and Laud, to whom commonly a pricked finger, a tumbling picture, or a loose tooth was an omen, derived no instruction here. To himself and the king the danger has only become greater. Laud will take the greatest share of Buckingham's favour with less power to resist the hatred it provoked; and Charles will give increased confidence to a minister not less ignorant than Buckingham of the people he is to rule, but far more obstinate, narrow-minded, and vigorous in what he holds to be the way of ruling them.

When Felton was brought from Portsmouth to the Tower of London in the second week of September, it was found that order had been given for placing him in the same room in that prison where Eliot had been thrown for his speech on the duke's impeachment.\* The endeavour to be made, if possible of attainment by any however unscrupulous means, was to connect or identify with the conduct of the leaders of parliament the act of the assassin.

### III. LONDON AFTER BUCKINGHAM'S MURDER.

Writing to Lord Carlisle on the 24th of August, when the news had been in London only a few hours, Netherfole describes the base multitude in the town already drinking healths to Felton, and that he had observed among better people ("although they are not the better "for being foe") infinitely more of cheerful faces than sad ones.† Two days later, Laud, writing from West-

was the consecration to poor Abbot, that one can think only of Laud as its author and minister; and hence my slip.

\* Mede to Stuteville, in Ellis's *Orig. Lett* (1st Series) 261.

† MS. S. P. O. "From the Strand." The writer cannot help adding: "Yet the stone of offence being now removed by the hand of God, it is

minster to Conway, cannot bring himself to speak of the "humours stirring" there in connection with the accursed fact of the abominable murder committed on his dear lord, and for which all good christians ought to be weeping as he was.\* Regret the fact as we may, it is undoubted that the mass of good christians then living in England differed from Laud in this. It is certain that a deep vague sense of relief had followed each announcement of the news as it travelled up and down the kingdom; and that predominant above every other emotion was that of a stern satisfaction and joy. The courtiers exhausted epithets and metaphors to heap execration on the deed. Bagg could not sleep for thinking of that damnable act of that accursed Felton, that fiend with the damned name of Felton.† Edward Nicholas could not write for very horror of the impious sacrilege. Conway could not reconcile it to his belief that liberty should be given to the devil to show himself in such execrable acts. Bishop Williams was as prostrate with the misery of the deed as if he had received the duke's favour only, and never had tasted his displeasure. The

"to be hoped that the king and his people will now come to a perfect unity, wh I shall pray for, as the onely good can come of this evil." It is curious, amid the wildly conflicting reports that prevailed at the first excitement of the news, and to which this letter refers, with how much approach to accuracy some points are given: as, for instance, that the duke had been "called up by Mr. Walter Montagu to heare some good newes which was then brought to court by a way farre about of the reliefe of Rochelle:" and again that Felton, after the deed, "when in the tumult some imputing it to the French, boldly tooke it upon him and sayd he had done it for the good of his king and country."

\* *Works*, vii. 16.

† MS. S. P. O. Bagg to Conway, Plymouth, 28th August. Out of the depths of his unutterable grief, Bagg has yet a shrewd utterance for his own future expectations. "Were it not to doe his majestie service I should thincke I did synne against Heaven to converse w<sup>th</sup> men. But he is above all earthly power. As I am subject I will be obedient to his will, and nothing shall comfort mee but his commands, and nothing shall delight my spiritts but to use them in his service. . . . And now not for myne owne but for my dead lord's sake retaine mee in yo<sup>r</sup> favour. I knowe the world sees me lost by my losse, and w<sup>th</sup>out markes of his ma<sup>ty</sup>s favour I shal be much disenabled for his service," &c. &c.

universities could still call themselves bodies, but the fatal blow had left them without a soul.\* And Laud could only describe to Vossius his unutterable sorrow for the slaughter of the illustrious duke, by saying, in more stately than choice latinity, that it had left them dwellers on an earth for ever abandoned by *Astræa*.† But meanwhile the world in general had fallen into the other and not less false extreme of thinking the golden age not begone, but only beginning. In all places of common resort healths were drunk to Felton. College cellars at Oxford echoed the grief of bachelors of arts to have lost the honour of doing so brave a deed.‡ The mixed feeling with which Eliot regarded it has been seen.§ Hay wrote to Lord Carlisle that it was of no use attempting to conceal the extraordinary joy of the people.|| The same testimony was borne by a profusion of poems of various degrees of merit that were poured upon the town; and of which one had such a run, carrying upon it the stamp of so much power, that it was fathered upon the author of *Volpone*.¶

\* These various letters are in the S. P. O. under dates during the fortnight following the 23rd of August.

† "Cælum non dubito petiit ille. Terrarum incolæ, quos *Astræa* reliquit, nos ad huc sumus." See *Works*, vi. 255-7, 259-60.

‡ A notable offender in this way was Alexander Gill, afterwards the intimate friend and correspondent of Milton, who thought highly of him; and his examination taken by Laud and countersigned by the attorney general is in the S. P. O. One is sorry to observe that the famous Chillingworth had informed against him of words spoken privately in a room of the college to which they both belonged. "Being asked whether he did not drink an health to Felton, he said he thinketh he did, and that it is a common thing done, bothe in London and other places." Another similar offender was Mr. Grimkin, also of Oxford: and others might be cited.

§ *Ante*, i. 361.

|| MS. S. P. O. 1st September, 1628.

¶ Very nervous and striking certainly were some of these lines—

"Enjoy thy bondage; make thy prison know  
Thou hast a libertie thou canst not owe  
To those base punishments . . . .

. . . . I dare not pray

Thy act may mercie finde, least thy great storie  
Loose somewhat of its miracle and glorie.

Ben Jonson was then in the decline of his life and fortune, the munificent rewards of his genius being summed up in the pittance of the laureateship; and it became him to repel a statement that would have struck down his last support. Examined before the council, he said he had seen the poem at Sir Robert Cotton's, where he was in the habit of going frequently. It was a house ever open to the cultivators of learning and letters.\* The verses were lying there on the table after dinner, and others present supposed he had written them. But, then it was he first had read, and at once condemned them. At the same time he admitted that the writer was known to him; that he had supped with him lately and given him a white-hafted poniard which he ordinarily wore at his own girdle, and to which the other had taken a fancy; and that his name was Townley, a scholar, a divine and preacher by profession, and a student of Christ-church. Townley was by this time beyond the clutches of the court, having fled to the Hague.†

Felton was now in London, and had been duly placed in the room of the Tower before occupied by Eliot. He was conveyed there by water. "Now God bless thee, little David!" cried an old woman at Kingston as he passed, meaning that he had killed Goliath.‡ At the Tower itself multitudes were gathered to see him; and "The Lord comfort thee!" "The Lord be merciful unto

For I would have posteritie to heare,  
He that can bravely doe, can bravely beare.  
Tortures may seeme great in a coward's eye.  
'Tis no great thing to suffer, lesse to die . . .  
Farewell! undaunted stand, and joy to bee  
Of publique sorrow the epitomie.  
Let the Duke's name solace and crowne thy thrall:  
*All we by him did suffer, thou for all."*

\* See *ante*, i. 411-12.

† Townley's is a name known to English literature. He was a good classical as well as English scholar, and is associated very generally with the memory of Camden, Jonson, and other distinguished men.

‡ *Orig. Lett.* First Series, iii. 261.

"thee!" broke forth continually.\* On the other hand at the close of August the body of his victim had been brought up by night,† to avoid the kind of recognition there was too much reason to apprehend. By order of the king, it was to have its place with the illustrious dead in Westminster-abbey; and there was to be as great a funeral as ever subject in England had. Forty thousand pounds was the estimate of its cost, and the day fixed was the 18th of September.‡ But, as it approached, panic seized Lord Weston and those to whom the arrangements were committed; they believed it to be certain that the people in their madness would surmise the ceremony; and they turned all the pomp and grandeur into bare provision against popular outrage. At midnight of the 17th the body was privately buried in the abbey and on the following day an empty coffin was borne thither from Wallingford-house on six men's shoulders attended by not above a hundred mourners, and "in a poor and confused manner as hath been scene." Not with trailing pikes and muffled drums, as in mourning were the train-bands who guarded it; but shouldering their muskets and beating up their drums as at a march to intimidate and silence the crowd. "As soon as the coffin was entered the church they came all away without giving any volley of shot at all, and this was the obscure catastrophe of that great man!"§

In the presence of such a spirit as this pervading all classes of the people, the hope at first entertained soon melted away, of connecting with Felton's deed, by pretences of inducement or encouragement, some of the parliamentary leaders. As well attempt to fix, or sing out, a wave in a stormy sea. One would-be martyr there was whose wits were turned by the excitement, and

\* *Orig. Lett.* 1st Series, iii. 26c.

† *Laud's Diary, Works* iii. 209.

‡ *Orig. Lett.* 1st Series, iii. 263.

§ An account cited by Mede in a letter to Stuteville, 29th Sept. 1628.

whose averments as to a conspiracy, and participation therein of the first men of both houses, and his own intercourse with Felton, and proposals to kill the duke, drew down upon himself only a terrible punishment, and upon the court the discredit of having too eagerly believed him.\* When all the world are conspiring it is impossible to discover a conspirator; and though Felton was tortured still with questioning to draw forth his advisers or friends, and though crowds were brought under harassing penalties in the courts † for such avowals of sympathy with the assassin as witnesses could be found to swear to, there was no other direct attempt to involve the political leaders. But Laud's friend, doctor Wren, vice-chancellor of Cambridge and lately made dean of Windsor and member of the high commission, ‡ was permitted to preach before his majesty that the tenets of Felton and of the Puritans were the same, both holding it to be lawful to kill any man opposed to their party; § and doctor Laud himself had the singular satisfaction of composing for his own private use a prayer in which he besought the Almighty to "lay open the bottom of *that irreligious and graceless plot* that spilt

\* He was whipt from the Fleet to Westminster, where he stood in the pillory; had one ear nailed and cut off; his nostrils slit; and his cheek branded "It is sayd he dyed of grieve on Monday or Tuesday." Letter of the 15th of November. His name was Savage; and Selden will be found mentioning his punishment hereafter in the house of commons.

† As to Gill's trial, Mr. Bruce truly remarks in one of his admirable prefaces to his State Paper Calendars that the examination bears evidence of the unfairness with which the proceedings were conducted. "His admission of the words uttered by him is underlined, and against that passage in the margin is written the direction, *Read this and no more*: thus excluding from the knowledge of all the court, except Bishop Laud who took the examination, the next sentence, which states the privacy and the other extenuating circumstances under which the words were spoken." It is only fair to add, however, that on Gill's receiving his sentence of degradation from his ministry and degrees, 2,000*l.* fine, and to lose his ears (one at London and the other at Oxford), the corporal part of the punishment was remitted on his father's petition to Laud "for his coat's sake and love to his father." Wood's *Ath. Ox.* iii. 42.

‡ See Laud's letter to Vossius, *Works* vi. 259.

§ Mede to Stuteville, 11th October, 1628.



"his blood."\* Unhappily for himself he had to die without the further satisfaction of discovering it.

Another plot there was however, for nothing less men deemed it, directed against all that the England of that day held to be most dear to their honour and their religion, wherein the duke had been leading actor, and which now was nearing its disgraceful close. Soon was to be determined the fate of Rochelle; plunged first into danger by reliance on the good faith of Buckingham and the king, and since for more than twelve months held in torturing suspense by hope of the succour never shown but to be again withdrawn, from lips that with a deadly thirst were panting for it.† Before the king reappeared from Portsmouth he had stayed to see the departure of the ships on the 8th of September, the crews even then, for a farewell, shouting a prayer to him to be merciful to John Felton, their some time fellow-soldier; ‡ and this fleet of 152 sail, and carrying six thousand foldiers, far too late to be of any service, had appeared

\* Prynne had remarked on this prayer in his *Breviate* against Laud that "it was much daubed through frequent use;" upon which, in his very curious marginal notes on Prynne's performance (published for the first time in the Oxford edition of the *Works*, 1851, iii. 259), Laud misses the point in his remark that "if y<sup>e</sup> prayer be good, y<sup>e</sup> frequent use cannot be ill;" the implied charge being that the prayer was not good.

† "There dyed in this siege of famine sixteen thousand persons. The rest endured a wonderfull miserie, most of their food being hides, leather, and old gloves. Other provisions, which were scarce, were at an excessive rate; as that, before this great misery came, a bushell of wheat was at 120/; a quarter of mutton at 5/ odd money; a pound of bread at 20s; a pound of butter at 30s; an egge at 8s; an ounce of sugar at 3s; a dried fish at 20s; a pint of wine at 20s; a pound of grapes at 3s; a pint of milk at 30s. It is also sayd, that, through the famine, young maids of fourteen or sixteen years did look like women of an hundred years old. Yea the famine was such that the poor people would cutt off the buttocks of the dead that lay in the churchyard unburied, to feed upon. All the English that came out thence, look like anatomies. They lived two months with nothing but cow hides and goat skins boiled; dogs, cats, mice, rats, frogs, all spent before. And this with a world of misery did they suffer in hope of our relieving them." A letter "from the Island of St. George aboard his Majesty's ship the St. George, October 30, 1628." Ellis's *Orig. Lett.* iii. 274-5.

‡ Mede to Stuteville, 13th Sept. 1628.

off Rochelle on the 19th of that month. Such then was the strait of its heroic defenders, that the day had been named for surrender failing succour; but again at sight of the English flag their weary hearts revived, and again for another month they resumed their efforts of despair. The ships of course were useless. Twice they made attempt to force Richelieu's boom, and twice were ignominiously driven back. But they had brought with them their secret negotiator to try the only help that was ever really intended, and had landed Mr. Walter Montagu on the coast of France. Then, after other feints at manœuvring, the bulk of the fleet weighed anchor, and came back to Spithead at the close of the month, followed quickly by the secret envoy. Montagu, already a concealed Roman-catholic,\* had seen the French king; and the result of his tidings was an agitated council held at Whitehall in the first week of October. Again he returned with power to order back the fleet, but the farce that had been played with this dreadful tragedy was played out now. He arrived to see the last, and beyond a doubt to rejoice at it. On the 20th of October Richelieu entered the town. "Let us try," exclaimed the mayor, whose dauntless soul was unyielding still,† "to think it better to have to treat with a king who

\* He was younger son of the lord privy seal, and not long after this time was made abbot of Pontoise by Mary de Medici, being subsequently the most active of all the zealots devoted to the protection and extension of popery in England. He was especially befriended by queen Henrietta.

† His name was Jean Guiton, and he was another of the many examples Clarendon has noted in this age (see my *Remonstrance*, 405) of men with great souls in extremely diminutive bodies. A poniard lay always on his table, which he had made it the condition of his accepting office that he should be allowed to thrust into any man's breast who proposed capitulation. He awed the starving mob into submission by fixing on one of the gates the heads of twelve mutineers. It was enough, he said, when told of the ravages of the famine, that one man should remain to bar the gates. Towards the last he kept a sullen silence, broken only by faint and fainter assurances that dependence might be placed on England; and by showing occasionally the outside of a letter from Charles sealed with the English arms. There is no doubt whatever that he ended by being convinced of the treachery of Buckingham and the king. See *D'Israeli*, ii. 278.

" knows how to take our town than with one who has " not known how to succour it ! " Willingly one draws a veil over what followed. The greatest stronghold of the Protestant cause on the continent was gone, and Roman-catholic France had no longer any barrier to indefinite extension of her empire. It is but little to say that at this catastrophe, when finally it was known, there arose from every part of England, where success to those gallant huguenots had so long and earnestly been prayed for,\* a wail of lament and shame.

Eliot had some opinions on the subject not shared by all his friends, but no man resented so bitterly the bad faith with which the Rochellers had been treated. After the employment against them of Pennington's fleet, he refused to believe in any real purpose to befriend them ; † and, disapproving of the war with France, he thought it cruelty and hypocrisy again to have precipitated those brave men against their king, with no purpose but to desert them in extremity. But for this the churches of the union might at least have held their own, instead of risking and losing all. The interest with which he continued to regard the questions involved, is shown by a pencil note in his own hand left among his papers in prison, of a conversation in November 1631, a year before his death, with one " Capt. C——." This paper records " that at " Rochelle there being a commander taken prisoner, he " persuading the town to render did saye, that their " hope of relief by the English was in vain ; and for that " offered his life in hazard to prove it, that the fleet " would not come before such a time (w<sup>ch</sup> was long after " the expectation) ; and that it did but come accordinge " to his saying. The like spoken in the k.'s army, and " by the cardinal." Another part of the discourse had reference to the morning of Buckingham's death, as to

\* See the subject adverted to, *ante*, i. 322-30, 357, 396, 495, 533, 542-4 ; and of the present volume, 52, 54, 68-81, 239-40, 245, &c.

† See what was told him by Courteney, *ante*, 78-80.

which Eliot in his note tells precisely what already has been told, of the eager joy with which the duke had pretended to put faith in the letters then received, "that the Duke of Rohan had relieved Rochelle by land, so as their goinge would be but to congratulate, and that there was no new occasion of haste;" and of the hasty anger and alarm with which Soubise had gone to remonstrate, "and say that the K. and they were all abused, Rochelle and the religion betrayed." The note closes thus: "That the works against Rochelle, and in especial the barricade on the sea, were not much wrought or intended while the D. of B. lived: their security that besieged it being sufficient in the intelligence of his purposes: but as soon as they heard of his death, that very day they reinforced their labours, and multiplied the numbers of their workmen, and fortified their works; as being then to stand upon their strength, having before their confidence in him." \*

The time for Felton's trial had been appointed for the last day of term, to give the latest opportunity of forcing him to some disclosure; but the notices of his successive examinations, still in the public record office, show how hopeless from the first it had been to elicit from him more than he had stated in the very hour of committing the deed. The attorney-general describes him, in one of his papers of direction for his questioning, as "puffed up by the vain applause of the multitude;" † but really no evidence appears of it. Puritan preachers were admitted to him, and he listened with acquiescence to their arguments that such a deed as he had done was

\* From the papers at Port Eliot.

† An undated paper in the S. P. O. indorsed "Directions from the king for the examination of Felton." A passage at the close, in connection with what follows in my text, is significant. "Your majesty may give further direction if such presumptions and *indicia torture* shall appear as may be fit to proceed in that course." Certainly Heath deserved what Whitelocke has tersely said of him, that he was a fitting instrument for those times.

not of God but the devil ; yet not the less when existing and expectant bishops followed, did they bring away report in all points confirmatory of what I have stated as his limit of contrition. " They found the man exceeding penitent for the blood he had shed, *and no way arrogating to himself the good that might come of that act, but taking all the evil to himself, and ascribing the good to God Almighty.* And withal he protested that his only confederate and setter-on was the Remonstrance of the parliament, which he then verily thought in his soul and conscience to be a sufficient warrant for what he did upon the duke's person." \* And so to the last he remained.

For one thing, nevertheless, let the name of this wretched Felton have not unworthy remembrance. The king wished, taking Heath's hint, that he should be put upon the rack ; and the proposal was backed by Laud and Dorset : but upon his own memorable reply to those councillors at the board that he should in such case, under torture, probably name themselves as his accomplices, there was a pause ; the matter finally was submitted to the judges ; and it is some set-off to the just obloquy which other acts have fixed upon their names, that, without a dissentient, they declared it to be the law of England that the use of torture was not allowed. Whereon the king made somewhat tasteless boast that he should not resort to his " prerogative." †

\* From the report of " two grave and learned divines sent to him by order from his majesty to work upon his conscience : " in a letter of Mede's. *Orig. Lett.* iii. 265.

† Mr. Hallam (*Const. Hist.* ii. 8) has well remarked on the public service done at such a time by such a declaration judicially put forth. Another singular case, deserving notice for its illustration of the savage temper that prevailed at this juncture, was that of a Somersetshire lawyer of note, Mr. Hugh Pyne, who had been returned to the third parliament for Weymouth, but subsequently flung into prison upon information against him (by Sir John Stawell and others of the court party whom he had defeated at the election) that he had said, speaking of the king, that he was " no more fit to govern than Hickwright," an old simple fellow who was then his shepherd. Hereupon a case was actually now submitted to the judges (and

On the 27th of November, having been first removed from the Tower to the Gate-house, the sheriff of London brought Felton to the bar of the King's-bench, where, upon his indictment being read, he at once pleaded guilty to the fact, which yet, he added, he had not done maliciously, but out of an intent for the good of his country. Whereupon Mr. Attorney addressed the court in aggravation of the deed that had slain so dear and near a subject of the king's, so great a counsellor of state, the general of his majesty's forces, the admiral of the seas, and so forth; producing the knife in open court, and comparing the prisoner to Ravaillac. "Some say" that as the instrument of his deed was lifted up, tears came into Felton's eyes; but what he replied, upon being asked by Mr. Justice Jones why judgment should not pass against him, was simply and drily that he was sorry if he had taken away so faithful a servant to his majesty as Mr. Attorney had related, but he was quite ready, if desired, to offer his hand to be cut off that did the fact.\* Jones answered thereon that the law and no more should be his, hanging and no maiming; and gave him his sentence. It was executed the next day at Tyburn, and the body afterwards taken and hanged in chains at Portsmouth.†

A poor subject for a triumph, one would say; but an ingenious poetical friend contrived to make of it no less, and put the grim dangling figure into a glittering frame!—

will be found in *Croke's Reports*) for an indictment of high treason against Pyne: to which a creditable and unanimous answer was made, that there was no treason but by the 35th of the third Edward, and that no words could of themselves amount to a treason within that statute. See *St. Tr.* iii. 359-68.

\* The account I give is from a lawyer of Lincoln's-inn who was standing "within two men of Felton" in the court.

† "Upon this day fennight," writes Pory to Mede on the 12th of December, "Felton was hanged up in chains two miles on this side of Portsmouth, and so was seen on Monday morning by one that came from Portsmouth some bats' length from the road, and in the same clothes he wore when he slew the duke, which was done at the instance of my lady duchess."

"Heare uninterr'd susponds, though not to save  
 Surviving frends the expences of a grave,  
 Felton's dead earth ; which to the world must bee  
 Its own fadd monument, his elegie  
 As large as fame ; but whether badd or good  
 I say not : by himselfe 'twas writt in blood !  
 For which his body is entomb'd in ayre,  
 Archt o're with heaven, sett with a thousand faire  
 And glorious diambnd starrs !"

Which was but to say, in verse, what is better said in simpler prose, that God's sky bends over all ; and that above and beyond the laws, whether divine or human, which justly exact the penalty of crime, resides that infinite mercy to which successful appeal is often made even here, and to which the worst repentant criminals are taught to look hereafter. As to this deed of Felton, there is nothing else to be said for it. Cruel, fell, and merciless, it altered little, and improved nothing. The evil did not lie in the mere life of its victim, but in the excess of power placed in his hands, and the system that engendered its abuse. If indeed the king and Laud could have taken the lesson which the assassination so suddenly revealed, and looked from its naked horror to what was laid bare beside it, discerning the actual feeling and irremovable resolve of the people they had to govern, their own ultimate destiny might have been other than it was. But this was not to be. For them it wanted what even the thought of Eliot conveyed, when he compared such terrible deeds starting up where patience, suffering, and remonstrance had been exhausted in vain, to the Vengeance that surprises like a whirlwind. The act of the 23rd of August can have no place in our annals but as the frenzy of a determined and diseased enthusiast, and in itself a wicked murder. But men who criticised it as Eliot did, had also to remember that those were days when even such acts had been graced by high approval ; and that when, not many years before, the favourite of the queen regent of France was

murdered in cold blood by the captain of the young king's body guard, immediately after the deed Dudley Carleton, the English minister, had received from secretary Winwood king James's sanction of the assassination, and Buckingham with his own hand had written to congratulate the assassin.\*

#### IV. ON THE WAY TO WESTMINSTER.

We have seen that Eliot, under the impression that parliament would meet as appointed on the 20th of October, had left Port Eliot on his way to Westminster, and was met at Tiverton on the 15th, where he had stayed to see his boys at school, by the order for further prorogation. Before returning he wrote to Sir Robert Cotton.

As at all times, his language shows a singular affection and solicitude for the great antiquary. The deferred visit to London is chiefly a misfortune in so long debarring the happiness of seeing him. There at Tiverton, he says, so far advanced on his way to Sir Robert, "the news of y<sup>e</sup> adjournem<sup>t</sup> of our good succeſſe abroad and 'the parliam<sup>t</sup> at home both at one incounter mett me." For the first, the repulse from Rochelle, it had brought him only what his fears had ever prompted. Never had he looked for success *there*. But the last was matter of doubt and trouble to him. What did it import? Were they to infer from it good or ill? Eliot betrays by his anxious questioning the train of thought into which he had been venturing since Buckingham's removal. What had been told him by Sir Oliver Luke, though excepting himself, was favourable; but that was while Buckingham still lived. Was it possible now

\* See Carleton's *Letters*, 128. *Birch*, 402. Buckingham expressly repeats also in his letter the king's satisfaction that Vitry had been the instrument to do his young master such good service by removal of the Marſhal d'Ancre.



that all should go on as before? "I should be glad to heare what disposition there is at co" and how "greateness is affected. Your intelligence herein will "much releeve me." And then remembering doubtless some staid grave counsell of his older friend at some similar hour of expectation and uncertainty, "I knowe," he went on, "Time is the best counsellor in all thinges; "and yet" (how many gallant eager hearts have thought it!) "not seldome heard w<sup>th</sup>out daunger and disadvantage. "It requires a great expence, sometimes more than "necessitie can afford! It wastes soe much in tryall that "there remains not to contynewe the possession." He closes his letter by saying that if by Sir Robert's means he could also understand whether anything was to be effected for his county in the business he had lately recommended, he should be glad to have that honour added to the virtues for which he was devoted his servant and admirer.\*

This allusion was to representations for the king's service connected with Mohun's malpractices in the vice-wardenship, which, in his character of knight for Cornwall, he had sent up to the council; with further intimation that he should revive the enquiry on the reassembling of parliament. Meanwhile Mohun himself had written, five days before, to the friend and confederate Bagg whose villany he afterwards so lustily denounced,† to implore his prompt interference with his majesty in that very matter. Eliot and Coryton, he told him, had been incessantly roaming up and down all Cornwall collecting evidence against him; and now Eliot was renewing his attack. "I have noe guard but [m]inne innocence," he adds, "for w I doubt not to find p̃texion in him for "whose service I have p̃voaked them. If you [were] "to give his ma<sup>tie</sup> a tast of theire envy ag<sup>t</sup> me, it will

\* Brit. Mus. Cotton MSS. Julius C. III. fol. 167. "Tiverton, 15<sup>o</sup> Octobr<sup>is</sup> 1628."

† See *ante*, i. 204.

"prepare his eare for that w<sup>ch</sup> at my cominge up I shall  
"present him. I believe nothinge of the newes from the  
"fleete." \* No courtier in those days, or any days, ever  
did believe ill news till there was nothing else to believe.  
Mohun's letter, marked impetuously "haste, haste, poste  
"haste, haste, poste haste," appears to have had its effect;  
and we hear nothing more of Eliot's application.

Shortly after his return to Port Eliot, his friend Benjamin Valentine sent him news from London. His delay in coming up had been a general disappointment, which he was urged to repair with what speed he might; and the expressed anxiety of many friends respecting him suggests a pleasing picture of the unusual regard in which he was held by all. He was clearly something more, to all of them, than the mere leader of the country party in their house. Sir William Armyne was to be up next week, and he had insisted on Eliot's presence the week next after, that he might carry him back to Lincolnshire. Mr Godfrey too, the member for Romney, whom Valentine calls his brother, was longing to see Sir John at *his* house. "And so do all y<sup>r</sup> other friends ther. Sir "Walter Erle longes to see you alsoe, and is this day "gone home; but willes me to let you knowe that he "will be here again w<sup>th</sup>in a fortnighte to meete you. "And I wish that *I* may be foe happie as to attende you "here, and wher else you will commaund." Then, after kindly message from Sir Robert Philips, he gives news of the court. It was now the beginning of term, and the council had resumed their sittings. Sir Robert Philips had been before them on a complaint from Somersetshire that he had fallen from 30*l.* to 12*l.* in the last subsidy-books, and that he was a man that hindered the king's

\* MS. S. P. O. "8<sup>o</sup> Oct<sup>r</sup>: 1628. 12<sup>a</sup> at night." Mohun signs with his christian name though he had taken his seat in the lords. After the endorsement for haste there is added: "From Trelauney 9<sup>o</sup> October at "7 of the clocke in the morninge. R<sup>d</sup> at Exeter past 12 a clock in the "night the xi of October. Att Sherbourne the 12:" the rest of the distances are only given in fragment, the paper being torn away.

service in the county. "Stowell and Waldron were his "opposers." \* As for their friend Wat Long, he had certainly been sent for by a messenger. "He was here "in towne with mee, and is gone againe. But he in- "tendes not to be founde. For ther is order given to "call him into the starr-chamber for being out of the "county, contrary to his oathe. And yett they intend "to runne very faire waies with us ; wh<sup>ch</sup> I shall neaver "beleave untill I see itt. Rochelle is certainly lost ; for "the kinge went into itt the 20th of the last month. So "that designe is at an ende ! But no newes of our "ships. They have done nothing with Mr. Felton as "yette. He standes as an undaunted manne. The "Spanish faction growes stronge, and they saie wee "shall have a peace with Spaine." † Apart from his private friendships, there was little comfort for Sir John, either as to home or foreign affairs, in this letter from his friend the member for St. Germans.

Wonderfully characteristic of Eliot is the next glimpse we get of him. It is not at Port Eliot, but in the admiralty-court of London, the scene of the old struggle for his fortune and honour which he had waged at such desperate odds with the duke. By his proctor he makes formal application early in November, for the allowance of his account as vice-admiral handed in to his highness the late lord-admiral, and for his own dismissal. It is a startling demand, all circumstances considered. He had already forced it before the court, it will be remembered, during the progress of the conspiracy against him, when delays had been interposed which even the duke's

\* Sir John Stowell and Mr. Waldron, the same who informed against poor Mr. Pyne, had taken prominent part against Philips at the general election ; and the former, a fierce royalist, billeted soldiers on the mayor and authorities of Taunton to punish them for persisting to return Philips (whose double election, there and in the country, I ought to have mentioned *ante*, 99). To save Stowell from subsequent punishment by the commons, he was, like Mohun, made a peer.

† MSS. at Port Eliot. "Ben Valentyne to his honoured Sir John Eliot," 4th November, 1628.

proctor hesitated to think just ; \* and now he has resolved to ascertain if justice will be denied him still. Perhaps one may see in it part of the present anxiety that possesses him in regard to the future altogether. The immediate result I am fortunately able to give from the best authority. Sir Henry Marten himself describes to him the fate of his application ; and his letter to Eliot, dated from doctors'-commons on the 7th of November, is on more than one account remarkable. It is decisive of the opinion of Eliot left upon a man of tried sagacity and large experience, who had been forced to take part in a series of transactions involving his fortune and good name : but it shows also that to form such an opinion and to express it were things involving then such different degrees of hazard, that the regard existing between two friends engaged in public life, if one was serving a minister of state and the other obnoxious to him, had to regulate its intercourse with very scrupulous care. The death of the duke alone had enabled Eliot and Marten to assume a frank and open correspondence.

Sir Henry begins by saying that he has received Sir John's letter by his servant. He most heartily thanks him for remembering and renewing the old league of mutual love and friendship between them, which he should ever hold sacred and inviolable. After the exception which Eliot had taken to his long cessation from writing, he must give him leave, by way of explication, to say that it was not well founded. " For, *until September last*, you must confess that we forbore by convention and agreement *ne forte*, &c. Since then I only had once opportunity by your servant to write, which I intended to have done if accordinge to appoint-

\* See *ante*, 37. For other passages which show the varying but never unfriendly relations of Marten and Eliot, subsequent to the affair of Nutt in the second book of this biography, see *ante*, 19 ; 104 ; 211-12 ; 248, &c. and i. 223 ; 335-7 ; 508-9, &c.

“ mente he had called for my letter. And upon this  
 “ pointe he and I are at issue. Well, hereafter you shall  
 “ have noe cause of such exception !” He tells him then  
 the common voice or rumour that Rochelle is gone ;  
 believed by most men, he says, and feared by the best.  
 Nothing thereof, however, had they heard from their  
 fleet, which report said were on their return, but of  
 neither had they certainties. Of other news he had  
 learnt only that one of the duke’s offices had been  
 given to the Marquis of Hamilton. Then he closes by  
 allusion to the motion which, on Eliot’s authority, had  
 just been made in court for allowance of his account and  
 his dismissal, of which he thus gives the result :

“ But Mr. Wian, procter heretofore for my lord admirall, did  
 “ answere truely and materially, that that might not bee yet, until my  
 “ lord admirall had an exor or administrater which might represent  
 “ his person, and revive Mr. Wian his proxy. Otherwise, if in the  
 “ meane tyme anything sh<sup>d</sup> be done for you, it w<sup>d</sup> be done *nulliter*,  
 “ *contra mortuum indefensum* : since issue was joined betwixt him and  
 “ you in his life tyme ; and by his death his proxy only sleepeeth till  
 “ his will be proved, but is not extinguished. And thus with my  
 “ hearty commendation and well wishes for y<sup>r</sup> health and o<sup>r</sup> good  
 “ meeting, I take my leave and rest your assured lovinge friende,

“ HENRY MARTEN.” \*

With what resolute determination to surrender no  
 right which an appeal to the laws might secure to him,  
 Eliot had thus revived a question he too well knew likely  
 to revive also against him the old conspiracy, is further  
 proved by an interesting letter from Selden, bearing from  
 the Temple the same date, and borne to him doubtless by  
 the same messenger. He had sent to the great lawyer  
 the patent whereby Buckingham finally conferred upon  
 him the office, which, notwithstanding the act superfed-  
 ing him, he still asserted to be his ; and had asked Selden  
 how far the death of the grantor might in law affect the  
 validity of a grant, of which he disputed the right of any  
 mere order of council to deprive him.† He had also

\* From the MSS. at Port Eliot.

† See *ante*, 27 ; and i. 36.

founded his friend upon the subject of his great present anxiety as to how far the duke's death was likely to influence affairs; and to this last point Selden replies first. He tells his "noble" friend that, for the occurrences of that present time, they were either so uncertain or *so unsafe* to relate to him, that he knew Sir John's own wisdom would pardon him for that he should miss them in that letter. Only thus much, that my lord marshal (Arundel, in whose conflict with the king\* they had both been greatly interested) was at the council-table again, "and "we all wish well here for the future, *and some hope well.*" Evidently not himself among them. Then he says:

"Your man desired me, in your name, to looke over your patent, which he delivered to me in a box that is yett by me, to the end you might knowe whether it were voyd or noc. I think it bee voyd by the death of him that made itt, though he have a power given him to g<sup>vt</sup> [grant] such offices for the life of the grantee. For an officer for life cannot make another officer for the life of him that he makes, unlesse it be by some prescription w<sup>ch</sup> in this case doubtlesse will not bee found. And there is also a provisoe in itt for givinge an exact account, at every of the daies named in itt yearly. It were a wonder to thinke that the account was given at the daies; and if this might misse, the patent is also that way voyd. Dear Sr, I would that within the narrowe sphere of my power anythinge were to bee or could bee performed that might be acceptable to you. If there were, I assure myselfe there is noe man shall be found readier to obeye y<sup>r</sup> commands than y<sup>r</sup> affectionate friende to serve you,

"J. SELDEN."†

From the character and tone of these letters, it would not be difficult to infer generally the condition of Eliot's mind and thoughts at this time. Clearly he had resolved

\* See *ante*, i. 503. A few days later Mede wrote to Stuteville: "On Saturday the king and queen, to make the world take notice how highly they favoured the earl of Arundel, took his lordship, my lord steward, my lord of Holland, and his lady, into the coach with them, went to Arundel-house, viewed the whole house, as yourself and I did, and made as much demonstration of favour to the owner of it, as a king and queen could do to a subject." Arundel, in himself a man of small ability, though celebrated for his taste and the collections he had formed in his foreign embassies, was at present made the most of, as a brand snatched from the burning.

† From the MSS. at Port Eliot. Dated "Temple, Nov. 7, 1628."

that there should be no alteration in his own course; but whether altered circumstances might not change the king's councils favorably to the country party, remained matter of doubt with him, and of much anxiety of speculation. The replies of his friends could not have been encouraging. He still deferred his journey to London; and finally resolved not to make appearance there until after he should have fulfilled a promise Lord Warwick had obtained from him, that they might pass the approaching Christmas together in Essex. The object was doubtless to settle some plan for the session, which was now fixed to begin on the 20th of January.

Of what occupied meanwhile his active and vigorous mind I am able to speak from more positive evidence. Since that manuscript of the *Negotium Posterorum* came to my knowledge which has supplied materials of such value to this work, I have found a detached paper in Eliot's handwriting belonging to this interval of the prorogation, which strikingly records his reasons for undertaking the labour of his narrative or memoir. It is in rough draft, and with so many erasures that to decipher it has been a task of difficulty: but it has rewarded the pains; and, while it establishes clearly the scope and intention of the memoir, it confirms every suggestion I before had made upon the internal indications alone presented to me.\* My sole error was in ascribing to it more of the character of a personal vindication than entered into the design, however much it may pervade the execution. The design was, by telling the story of the English parliament from the close of Elizabeth's reign, to demonstrate the danger of attempting to govern England without advice and cooperation from that great council.† One may imagine how naturally, at the time, the thoughts

\* See *ante*, i. 209-19.

† The reader will remember the speech by Wentworth to the same parliament delivered in the session just closed, and of which Eliot only has preserved any record. See *ante*, 184 and note.

Eliot went into this channel. The personal excess and abuse of power he had so determinedly resisted, and reeling under a shock from which it might yet revive; and nothing but putting parliament in its place would effectually prevent the revival. "For this," he says, in the paper of which I am about to lay the substance before the reader, "however inglorious it may seeme, I have dispos'd my thoughts in the service of my countrie, to compose the storie of that councill from the end of Q. El. What was the condition of the kingdome when her government did leave it, is well knowne to all men. What it is now, this labor will exprefs. Nor will somewhat of the reason, not elsewhere soe discernable, fail to be emergent in this worke, if either my penne or prospect doe not faile me." In how far he kept this promise the reader has seen, by the portion of the work laid before him in the fifth and sixth books of the present biography.

Let me premise, further, that this paper derives singular interest from the warning it affords against judging the past exclusively from modern points of view. Sketching on a former occasion the condition of English freedom in Plantagenet and Tudor reigns,\* I attempted to show the grounds on which the parliamentary leaders, in the conflict with James the First and his son, had been entitled to rest their claim to resistance upon English usage and law. With extraordinary force Sir John Eliot has enlarged on that theme. The times of the great men were not a mere tradition to him, but near and home; the earlier preceding times were indeed a tradition, but one still warmed by living memory; and his whole argument is, that the English government, up to and during those times, had been successful and honoured because it was carried on, not in defiance of the people, but in harmony with them. He would of course have made allowance for differences of form,

\* Introductory essay to my *Grand Remonstrance*.



in the machinery devised to give effect to such co-operation: but at all times he discovers the spirit of the English government to have been the loyalty and consent of the governed; and in the succession of councils that advised the sovereign he believes to have been embodied, under their various and changing forms, the instincts and desires, the feelings, the hopes, even the passions and prejudices of the people.

"Strangers," he says, "have observed the felicities of England by her parliaments. That, and the contrary, is apparent in the examples of her kings, of whom, whose actions had concurrence with that council, were always happy and successful; those that contested or neglected it, improsperous and unfortunate." That is the argument he proceeds to illustrate by a series of such examples.

Of the first in the old times, he says, were those virtuous and brave princes the first and third Edward and the fifth Henry, who so far extended the honour of their nation in the admiration of all others, that the very name of Englishman became able to do wonders of itself, taking and giving kingdoms as the subjects of their wills. Of the last, were those characters of misfortune the second Edward and Richard, and the sixth Henry, whose reigns were all inglorious and distracted, fatal their ends. He dwells upon their errors, with special regard to the favourites that misled them, and by whom they were betrayed; and singles out above all for a demonstration in that point, the example of a yet earlier king, Henry the Third, who in his younger days had preferred the guidance of favourites to the advice of his parliament, and thereby involved his crown and kingdom, as well as himself, in such miseries and dishonour as few times else could parallel, and princes have seldom suffered. But his steps were not retraced too late. The apprehension of his errors broke upon him; he was able to discard the flies of court which had fastened themselves to him; and by reconciliation and conjunction with the great

council of his people,\* he recovered to both their lost honour, restored their ancient happiness, lived and enjoyed it himself in a sweet calmness and tranquillity, and dying left it as an inheritance to his son, who on that ground erected the superstructure of his greatness.

Of the class of princes such as the fourth Edward and the fourth and seventh Henry, who had raised their fortunes by the overthrow of princes before them, Eliot points out with truth and subtlety the extent to which the errors of those who had fallen were turned to the use and instruction of those who had risen by them, and who managed only to retain with security what they had got with hazard by means of shrewd compliances with the parliament and people. And for a further instance in the latter point he declares, that "Henry the Eighth, though otherwise rough and violent, did nothing in prejudice of that court; or, if it were attempted in some particular by his ministers, as the most righteous times are not without obliquities, it was soon retracted by himself; who maintained his confidence with his people, and was not without reputation with his neighbours, nor this nation in dishonour under him."

Then, after brief reference to that hopeful prince his son, the sixth Edward, who in the short time he lived had the same "affiance," and lessened not in the reputation of the world; and after notice more laconic of the popish Mary, as being in no degree observable for either her councils or successes, "her marriage and alliance leading contrary;" Eliot breaks into an impassioned rapture at that glorious star her sister, and most ever-famous memory, queen Elizabeth! In this princess, he declares, who was glorious beyond any of her predecessors, all the virtues, and so the honours, of all that went before her were contracted. The sweetness and piety of her brother, the magnanimity of her father, the wisdom of her grandfather, the fortune and valour of the rest, in her were all

\* Eliot had written "the state," but substitutes "his people."

complete! We may smile at the enthusiasm; but the feeling is checked by the touching recollection of all that, to such men as the writer, had made so bitter the contrast of these Stuart reigns. Nor is it to be questioned that substantially Eliot is right in asserting, that, between this wise and prudent woman and the agencies through which her people made their wishes known to her, there was always that essential spirit of agreement and harmonious action which resulted from the undisguised sense of dependence and reliance borne and confessed by each to the other. "This excellent Minerva," he exclaims, "was the daughter of that Metis. That great counsellor of the parliament was the nurse of all her actions; and such an emulation of love was between that senate and this queen, as it is questionable which had more affection, the parliament in observance unto her, or she in indulgence to the parliament."

And what, proceeds Eliot, were the effects? Her story told them. Peace and prosperity at home; honour and reputation abroad; a love and observation in her friends; consternation in her enemies; admiration even in all. The ambitious pride of Spain broken by her powers; the distracted French reunited by her arts; the distressed Hollanders supported by her succours; the seditious Scotch reclaimed by her to the obedience of their princes; all violence and injury repelled, all usurpation and oppression counterwrought; the weak assisted, the necessitous relieved, and men and money into divers parts sent out, as if England had been the magazine of them all, and she the quæstor that had the dispensation of those treasures, or rather the prætor and judge of all their controversies. Nor, with this magnificence abroad, did she impair at home; but, being good to all, was most just and pious to her subjects; insomuch that they, by a free possession of their liberties, increased in wealth and plenty, and, notwithstanding that infinity of expense for support of all those charges, the receipts of her exchequer improved.

Such is Eliot's eulogy of the celebrated queen, whom he puts forth as his chief example of the importance of parliament to the happiness of a state, and of his axiom that English kings have been fortunate by that council, never without it. His next inference is, that in a just description of its deliberations will be best seen the condition of the kingdom at the time. For he lays it down as the especial province of parliament to deal with the national disorders in every stage and form : whether propounded in "fervour and extremity" for a present cure and help, or in inclination and beginning for prevention of their danger ; or whether discovered but by way of prophecy, while yet in embryo and conception. There, into agitation and debate, came necessarily both the "originals" and degrees of such diseases of the state : always their acts and consequences ; and now and then their reasons. Characteristically Eliot proceeds : "I speak thus of their reasons because it is not alwaies that the true cause is seene. The same effect may flow from divers principles and intentions. Often with states and men *aliud pretenditur, aliud in mente est* ; there are, as the civilians have observed, *causæ suavoriæ, causæ justificæ*, both concurring in actions of the great ; wherefrom dissimulation is defined to be *politiciæ imago*." But whatever reasons might ostensibly be offered, they were brought to the test of debate in parliament ; their mysteries and secrets were there unlocked ; and as the dangers, so the safeties, were there treated of, with all their incidents and concomitants, adjunctives and dependencies. There could be, Eliot remarks in a very interesting passage, nothing in religion, in genius, in capacity that had relation to the kingdom, but the knowledge of it would be moved and stirred in the agitations of parliamentary debate ; and in such agitations, therefore, would be found the most complete mirror of the times. "Manie," he adds, "will thinke, and that not perhaps lightly, the scope of this too narrow for a historie : but

“ I that take it otherwise desire their favor in my censuring, untill they againe consider it. Let them peruse the passages, observe the varietie of the treaties, note the resolutions and effects, read and digest them, and *then* infer the judgment. In which I am confident they will finde somewhat of delight, and the rest not much unprofitable.” After two centuries and a half the world receives in this biography the means of judging whether Eliot overrated such portions of his labours as have survived that long sleep. To the present writer it does not appear that he did.

The paper I have been quoting is unfinished ; and its closing passages, indicating the question he intended finally to have handled in it, show what we have lost. But they yet so clearly indicate also the views he had proposed to establish, as in some degree to repair the loss ; and very appropriately will the subject of this section be resumed after stating them. On his way to Westminster, about to engage in his final struggle for the parliamentary liberties of his country, his last train of thought and enquiry before leaving the home to which he was never to return, had satisfied him of the proofs contained in ancient rolls and records that such liberties were of right and not of favour, and that as they had not been granted, neither could they be taken away, at the pleasure of sovereigns and rulers.

“ But before we imbarque in this storie of the parliament,” he writes, “ it will not be unnecessarie in our waie to take some short survey of that bodie : how it is composed, and by what authoritie it subsists : for noe little prejudice may be done it in the opinion it receives, *modo habendi*. What ever act and exercise it may have had, there is the question of the first accession of its powers. If this be new, and by concession of late times, the times that change their reasons may have some colour like wise to change the resolution of that grant. If the continuance have beene longer,

“and yet the grant appears—though it bee much to  
“impeach the prescription of a kingdome for manie  
“ages on the mere private interests of men—there may  
“at leaste bee some pretext that the favour of one  
“prince should not conclude the generation of succes-  
“sors. But if the institution be more ancient, and  
“without the introduction of such grant; or that that  
“grant of one be still confirmed by all; then all are in  
“the faith and obligation, and the authoritie of that  
“counsell is much more in that it subsists by right and  
“not by favour. I knowe the vulgar and common  
“tradition does repute that parliaments had beginning  
“with those charters which were made by Henry the  
“Third; and that he that granted those liberties to the  
“people gave being unto parliaments. Upon which  
“foundation many arguments are laid to impair the  
“worth of either; as the weakness of that king, the  
“greatness of his barons, the tumults of the time, which  
“made a necessitie of such grants, proving them to be  
“not taken but extorted. But truth shall speake for  
“both how injurious is this slander, and how much  
“more antient and authentick their descent.”

Eliot had reached London, which he was never again to quit, on the 30th of December, having left Lord Warwick in Essex two days before. A disappointment awaited his arrival. Hastening to the house in Palace-yard, associated to him with so many intellectual enjoyments as well as noble services for freedom, he found that Sir Robert Cotton had left shortly before on some visit in the neighbourhood; so that the meeting to which he had looked forward with such anxiety, and “from the  
“extremity of the west” had “brought it in his hopes as  
“the greatest happiness he expected,” was again delayed. These expressions are in a letter which he immediately despatched to Cotton by his servant, and which he began by saying that if he had “either been master of himself  
“or serv’d a fortune exorable” he would surely not then

have been strained to seek intercourse with such a friend by letter. But Sir Robert knew and allowed the power that had commanded him his journey, and then detained him where he was; for he had himself the like interest in it. He alluded to the preparation for the meeting of the houses, which claimed their help and merited all that they could give. "In serving that I serve but you," he adds, with the well-assured confidence of friend in friend: "for such I finde the expressions of this place  
 " that (yf report maie give it) I am still in possession  
 " of yo<sup>r</sup> worth. Our intelligence is uncertaine from  
 " y<sup>e</sup> co<sup>r</sup>t; and, drawne to the forme of their conclusions,  
 " it's said parliament shall adorne a degree neerer to  
 " necessitie." He means that they will yet make desperate effort to put off the evil but unavoidable day! "Wee  
 " are noe judges to determine of the facts, nor prophets  
 " to divine of the successe; and for the reason, what  
 " wisdom it implies, councillors maie resolve. Wee are  
 " none: being the subjects both of ignorance and feare.  
 " It will be some comforte in these doubts, maie I be  
 " assur'd that you are well. I praie resolve mee soe by  
 " this messenger, whome I send of purpose for that  
 " newes. Retaine me in yo<sup>r</sup> favor: and knowe, noe  
 " man more faithfullie does love you than Yo<sup>r</sup> frend  
 " and servante, J. E."\*

It was indeed a gloomy prospect that had presented itself in London. Eliot's questionings as to the future had received practical solution. About the purlieu of the court, people still ran to and fro talking of this man and of that, now of Lord Holland and now of Lord Carlisle, as likely to take the place of favourite; and to the latter lord in especial, adulation was offered as extraordinary and as profuse as if already the duke's mantle had descended to him.† Even a section of the popular

\* MSS. at Port Eliot: 30th Dec. 1628.

† Among the MSS. in the S. P. O. will be found, under date of the same 20th of November, 1628, as many as half a dozen letters of this description,

leaders, speaking through Philips, had shown a certain willingness to accept him; \* for though a man of no ability, he was not, as the other was, a courtier merely and a sycophant. He had magnificent ways, and held his head very high; but yet with a certain meekness of look as of a man who patiently could endure much, and be kindly tolerant of the inferiorities beneath him. "*Honest, worthy camel's face*" the king's sister used to call him; † and the very nickname seems to help to show us that as an instrument of mischief he would have been worth little. But Dorchester (who was now to obtain the chief secretary's place on the resignation of Conway, to provide for whose dignified ease the lord presidentship was taken from Lord Marlborough), ‡ had judged rightly when he saw it to be the king's purpose never again to discharge himself so much of the public affairs upon any single man as upon his dead friend; and it was become clear that Charles had chosen, instead, the course most fraught on all sides with danger, and that the counsels and spirit of Buckingham were to survive him in the persons of Weston and Laud. The lord treasurer and the metropolitan were already exercising a power unlimited in their respective departments; and never, during the favourite's life, had such wounds

from Sir John Townshend and others, and from the Earls of Norwich, Marlborough, and Danby; again, on the 22nd, a yet greater number; and on the 25th, most obsequious overtures from Lord Leicester, from Cottington, professing himself readier to obey Carlisle than any one else, and from many others who hail him as the cynosure of all eyes and pens!

\* MS. S. P. O. 21 November, 1628. Philips tells Carlisle that the service of the king expects him, the interest of the people craves his patronage, and his friends wish him to prove to both, and for both, a profitable and happy instrument. On the 19th of December Sir Robert Aiton found it necessary to warn his friend the earl that the parliamentary men had an eye upon him!

† See Mrs. Green's *Lives of the Princesses of England*, v. 477. It might be sometimes "*Thou ugly filthy camel's face!*"

‡ These changes were made in the middle of December, at which time Wentworth received an increase to his dignity and was made a viscount: in contemplation of the office already privately conferred upon him of lord president of the north.



been inflicted on religion and on trade as during the brief interval since his death.

Not content with the levy of imposts by prerogative on wine and currants,\* under authority of that decision in Bate's case which had in principle at least been abandoned by the statute of James, order was given to collect tonnage and poundage. This, as the king had been warned, was immediately resisted. At the close of September a wealthy puritan merchant named Richard Chambers was called with other merchants before the council-board at Hampton-court, for refusing to pay those dues on the ground that they were levied by the sole act of the king and without authority from parliament. They repeated their refusal before the council; and complained that though they were ready, as already they had offered, to give security to pay all that should be due by law, the officers of customs had seized and sold their goods and consignments to very large amounts. Receiving thereon only reprimands and threats, Chambers spoke out plainly and told my lords that the merchants were in no part of the world so screwed and wrung as in England. In Turkey itself they had more encouragement.† For these words he was at once sent prisoner to the Marshalsea. It was the first of a series of such cases, in which merchants were sent to the Fleet and other prisons for nonpayment as well of those dues as of others newly imposed; and in which the names of Vassall and Rolle obtained also honourable prominence.‡ The latter had a seat in parliament, and had pleaded his privilege to the "customers." They told him that if instead of being a member of parliament he were the parliament itself, they would seize and sell his goods all the same. And, according to Whitelocke, it was re-

\* See *ante* (335), and *Rushworth*, i. 639.

† I take my account from the information afterwards filed by the attorney-general in the star chamber, *St. Tr.* iii. 373.

‡ For full details of these cases, see *Rushworth*, i. 639-41.

solved beforehand at the council to justify these proceedings when the houses should meet; and, if the parliament refused to pass the bill for tonnage and poundage, then to break it. And those of the council that had seats in the house of commons were directed what to say if the members should fall upon any of the king's ministers.\*

Contemporaneously with these doings and resolves, Laud had followed up the appointments of Montagu and Manwaring, and that proclamation against their books by means of which he had already drawn as in a net some of the leading puritan divines into the high commission court and star chamber, by a yet heavier blow. He clinched and completed the manifesto formerly issued† against innovation in doctrine and discipline, by putting forth an authorised version of the Thirty-nine Articles with formal inhibition against expression of the least difference from the said articles: declaring that, in the event of any difference arising, the clergy in convocation alone were to settle the same; ordering that no man thereafter should either print or preach so as to draw any of the articles aside in any way; and not only prohibiting every one from setting forth his own sense or comment for the meaning of an article, but restricting him from accepting it in any other but its literal and grammatical sense.‡ Within a very short time after issue of this memorable document, he had Mr. Burton and Mr. Prynne in durance; and was not long in getting literal possession of their ears.

Read with this comment it will not seem surprising

\* *Memorials*, i. 33.

† See *ante*, 58-59.

‡ See Heylin's *Cyp. Ang.* 178-9. Archbishop Abbot did what he could in the way of resistance; but he was old and now very feeble, and all the power was in the metropolitan's hands. Abbot had even, by the king's special order, to circulate in his province those instructions against lecturers, which he was doing everything in his own power to thwart and oppose by reinstating the lecturers dispossessed. "So may God love me," wrote Laud to Vossius, adverting to difficulties of this kind, "I know not what can be "done for the church in these festering times," *his exulceratis temporibus!*

that Eliot's letters, written on the eve of a parliament that would have to debate these things, should have taken a gloomy tone. On the day before the reassembling he had to send excuses to his friend Mr. Godfrey, who for some reason does not seem to have attended this session, for having failed to go on a visit to him before the meeting; and this letter, into which his despondent feeling enters more strongly, contains some allusions that seem also to point at his health as though affected by his recent loss and suffering. Having a promise of conveyance to his friend's hands, he wrote, he could not but so acknowledge the great obligation laid upon him as to send that expression of his thanks; which he had meant himself at a far less distance to give, had either his fortune or the time allowed him. What his occasions of rest at that time were, and of further continuance in the country; yet what necessity was nevertheless upon him, of attendance in that place; Godfrey well knew, and would not require further apology. Only so much he must tender for his favour, that, whatever circumstance or business might enforce, nothing could detain him in affection from his service to a degree so powerful but that in desire and readiness he should be ever present with his wishes. He sends his service to Mr. Godfrey's "ladie," and closes thus: "We have yet no intelligence to give you. All is in expectation. *Our feares exceede our hopes. Daunger enlarges itselfe in soe greate a measure on us, that nothing but Heaven shrouds us from dispaire.*" \*

Such were the terms in which, on the day before the reassembling of the third parliament, the leader of the popular party spoke of the prospects of the struggle which was to begin the following morning.

\* From the MSS. at Port Eliot. "Westminster. 19 Jan: 1628 [9]."

## V. HOUSES REASSEMBLED.

It had not been usual to engage in any important debate on the first day of a session. But not unacquainted probably with the drift of the instructions given to the privy councillors who had seats,\* the leaders of the commons had resolved that not a day should pass before declaring their opinions on late events, and the course proposed to be taken. Even at that earliest time of meeting, when the ministers would necessarily be present but there was little likelihood to be otherwise a full attendance, it appears to have been arranged that, when the motion for revival of the committees of privilege, religion, trade, grievances, and courts of justice was made, Eliot should deliver himself as to general affairs.†

When he rose, a thought of the sorrow recurred that had been so strongly with him when last he quitted the house. And were the reasons less, to any man who loved his country, for sorrow at the hour then present? "I presume you will easily believe," he said, "what sad affections did possess me when with your leaves and favours I last parted here. And should I not acknowledge that the like passions hold me now, though in a different respect, when, in observation of the times, I reflect upon that that's past, weigh the present state, and but look towards the future? It affects me, not only in particular for myself, but generally for all, with astonishment and sorrow." After what had been witnessed and done when they were last assembled, it might seem incredible that they were there to renew complaint of the invasion of liberty of men's persons, and property in men's goods. That they were to complain of wrongs

\* I have already quoted Whitelocke as to this: a more detailed account will be found in *Rushworth*, i. 642-3.

† This speech, as I have had to remark of so many others, has not until now been printed. I found it among the MSS. at Port Eliot. If the date had not been upon it, its internal evidence would have sufficed to indicate as much.

to religion such as never till then had been equalled. That their merchants, members of that house, had suffered wrongs from which their privilege had not protected them. That they were there to hide their faces with shame at the thought of their country in the eyes of foreign nations! It was too well known, no pretence could shadow it, that as from every action of late years in domestic affairs, so also from those abroad, there had come to them disgrace and loss; and though yet there might be doubt whether, in a former reign, their foreign disgraces had been owing more to the tongue than to the sword, of late they had lost everything by the sword. They had lost of themselves, of their alliances, their friends, their ships, their men. "Ah! who has tears to number them! whose sorrows can recount them that in these late times have been lost! Our reputation also, our honour is gone; that which was the very secret of this nation, and by which even miracles have been wrought!"

Eliot spoke then with extraordinary bitterness of the last expedition to Rochelle. He said that it had not only put the true religion in peril, but involved England in shame. He asked whether any man "now can doubt that the protestant religion is in hazard everywhere abroad; and when that light is extinct in all the world besides, I will submit to your judgments how long we shall escape the darkness." But was this all? What might those unhappy Frenchmen say? "Our fathers, you know, were happy, and we have seen felicity ourselves—so late was it yet amongst us. Then, all our neighbours took comfort in our friendship. Now, such is the alteration, such the change we suffer, that we are not only unfortunate in ourselves, but to our friends disastrous—the occasion of their miseries, and powerless to help them!"

Under cover of a classical fable, this brave and dauntless speaker introduced what next he had to say. He had

to tell the privy councillors that what was wanted in the kingdom was council ; and he did it thus. The Rhodians had a story of their island, he said, that when Jupiter was delivered of Pallas, it rained there gold in abundance ; and this, after their fashion, they moralized. Pallas, so born, they held to signify both prowess and policy, martial worth and wisdom : wisdom too, both human and divine, implying not only instruction for the affairs of men but in the service and worship of the gods. Such virtues so engendered, being the property of their princes, their Jupiters, and by them made active to such delivery as that of the full-armed Pallas, they believed themselves, as a consequence, to be always prosperous and happy, full of the abundance of honours, and with wealth ever raining down. The fable, Eliot thought, might have just application to members of that house, and some instruction for their purpose. Aforetime might their island have been taken for a Rhodes, the proper seat of gods, wherein, when action had been added unto council, and council joined to action, when religion and resolution had come together, there wanted nothing of the felicity or blessing that wealth and honour could impart. Wisdom and valour singly had availed not ; Apollo had not satisfied, Mars had been too weak ; but both their virtues meeting with religion, and concurring in that centre—as in the person of their Pallas, their Minerva, their last great queen !\*—never had those failed in their chronicles and stories to give both riches and reputation, the true showers of gold mentioned in the fable. And one thing more there was not unworthy to observe in that fancy of the ancients, that this Pallas, this excellence, this nurse of happiness and good fortune, was not begotten by Jupiter in himself, but first conceived by Metis, signifying council. Jove listened to other wisdom than his own, and so brought forth his masterpiece.

\* The reader will not need to be reminded of the studies that so lately had occupied Eliot, and which he here in some sort reproduces.

Eliot's closing sentences, in further application of his fable, and in allusion to the death of Buckingham, possess unusual interest, and in themselves are very striking.

"Well, sir, has our Metis, now, our council, been pregnant in this age? Have the children of these times been like to her Minerva? In the late days of peace, when our former king reigned over us, we were all treaty without action: Mercury was delivered, and you know what effects it had. In these now, you see, Mars is born, and his successes are as ill. But, in our peace or war, what Pallas has been discoverable, what Palladium can be found? Where has been that centre of religion to which all motions should have turned; where the wide and large circumference to which the extension of that point should lead? If in particulars should be taken a strict account thereof, I believe there would be found but the like addition to Mercury and Mars that Timotheus made for Fortune. Metis had no share in that!

"No, sir, it is too manifest, in some indeed acknowledged, in others not deniable, that not Metis but a wrong mother has been breeding for us, and from her false conceptions have proceeded the abortive issues we complain of. But perchance it will be said, that mother is now dead; the fear of that is gone; therefore hereafter it will be better, and we may resume our hopes. Thus I presume many men conceive. But for my part I cannot yet discern it—and I shall never stick to render my doubts open to this house, from whose wisdom only I must look for satisfaction. Though our Achan be cut off, the accursed thing remains. The Babylonish garment is yet left which Achan first brought in: and whilst that is with us, what hopes or expectations can we have? While the papists, the Arminians, and their secretaries have countenance; while those men are in favor; while such are in preferment; while they stand so near the elbow of the king that they have power (and in their own cases!\*) to impeach the credit of this house; how can it be but that our enemies must chafe us, and God will not be turned from the fierceness of his wrath? For from thence it comes that we are so unfortunate; unfortunate abroad, unfortunate at home, and in these meetings still unfortunate! *A ME FACTUM EST*, is the motto that He gives! All the crosses that do happen to us are but as his corrections, when, for want of duty and sincerity in his service, man draws upon himself the fury of his anger. I doubt not but the unhappiness is confessed of which this surely is the cause: for prevention whereof in our future labours we shall doubtless seek to make our reconciliation

\* Eliot here puts marginal note: "*Bi/hop Montagu*": this notorious person having upon his own solicitation obtained a royal pardon from the sentence passed against him by the house.

"with God, and, according to the precedents and piety of former meetings, humble ourselves before him.

"Mr. Speaker, I could wish these things had proceeded from some other, and I had then been silent. But failing in that desire, and weighing the necessity of the cause; it being for the honour of the king, for the safety of the kingdom, for the assurance of our friends, the support of our religion; I could not but *against* all difficulties resolve, as Cicero did in the like, *quemvis mallem suscipere quam me, me autem quam neminem.*"

The last allusion implies what already has been explained, that this speech, not delivered in any formal debate, but upon a motion which was to pass as of course, had a well-understood purpose. Allusion was afterwards made to it, but no reply followed. The committees were directed to be revived, and a call of the house was ordered for the following Monday.

Then, after moving the writ for Yorkshire consequent on Wentworth's peerage, the question was appropriately mooted of the alleged indignity offered to parliament by circulation of the false answer to the Petition of Right. It was thereupon referred to Selden, to the great lawyer who already, from his wonderful knowledge of old English records, had revealed to parliament a similar act and its consequences to a former English king,\* to report as to the manner in which the Petition had been enrolled at Westminster. The report was heard with much impatience. It was to the effect that, with the Petition and answer, there had been placed, among the parliamentary and legal records in the courts, the royal speech of the last day of the previous session; and this by his majesty's command.† The dissatisfaction was so great, that Pym rose to suggest the expediency of delaying debate in the matter till the call of the house, when all members would be present. No, said Eliot; at once interposing. Since the matter *had* been raised, it concerned the honour of the house and the liberties of the kingdom. It was true, it deserved to be deferred to a fuller house;

\* See *ante*, 207.

† See *ante*, 323-4.



but it was good to prepare things, and he believed the point raised to be one of great consequence. It would in his judgment be necessary that select committees should enter as well into consideration of that, as of the manner in which other liberties of the kingdom had also of late been invaded. Meanwhile he should conclude with a motion. "I found, in the country, the Petition of Right printed indeed, but with an answer that never gave any satisfaction. I now move that a committee may consider thereof, and present it to the house, and that the printer may be sent for to be examined about it, and to declare by what warrant it was printed." \* Order was made accordingly.

The result was so plainly to establish a direct complicity on the part of the king himself, that it was not judged expedient to carry the matter farther. The exposure sufficed. It was proved by examination of his majesty's printers, Mr. Norton and Mr. Bill, that before the prorogation they had printed fifteen hundred of the Petition with the second answer, upon receiving the same from the clerk of the house of lords; but that this had scarcely been done, and a very few copies divulged, when, the day after the session was ended, the attorney-general sent for Mr. Bill to his chambers, and told him, as by his majesty's own command, that all the copies were to be wasted, and none whatever issued. Mr. Bill was nevertheless not satisfied so to receive his instructions, until sent for the next day to Whitehall, when

\* Several of the speeches spoken in this session, and reported in the collections of serjeant Crewe, Speaker in the first parliament (*ante*, i. 224-5), and who continued to be a member though he had ceased to take prominent part in debate, were published in 1707 by his grandson, Mr. Parkhurst, and will be found in the ordinary parliamentary histories. Judging by comparison of those of Eliot with the manuscript copies I have found, they are little more than abstracts; but some of them are valuable though so jumbled and misplaced as often to be wholly unintelligible. The portion of *Fuller* devoted to yet briefer abstracts of the same speeches is, I regret to say, still worse; but a stray flash here and there, not visible in the others, breaks across the dulness and confusion.

he saw the lord privy seal with the king's attorney; and not only was the order for waisting the copies renewed, but my lord placed in his hands certain other copies, being the Petition, the first answer, and his majesty's speech at the close of the session,\* all strongly fastened together, and upon them endorsed a warrant with the king's sign-manual "We will and command you that *these* copies "be printed." It may be imagined that Eliot and his friends were satisfied that the matter should end here.

But before the house separated, Selden spoke strongly as to what it might befit them to do in regard to the violations committed, since their last meeting, on all that their Petition was meant to secure to them, in their liberties of life, person, and goods. It was far too manifest to be contradicted; and now that they knew the invasion, they must take notice of it. It was in his judgment well, he continued (with apparent reference to the previous speech of his friend), that the privy councillors should without loss of time hear what was thought of them in that house. Had not an order been made in the exchequer court of which the effect was to place all men's merchandise at the mercy of the crown? Had not a punishment been directed in the star-chamber, without authority or law, whereby one had lost his ears?† They would take away arms next, and then legs, and so lives. Let all in whom his majesty put confidence be careful to see that the members of that house were not insensible to this. Customs were creeping on them. He was for a just and open representation to his majesty.

His majesty had doubtless a representation before the

\* "That which troubleth them most," says Netherfole, "is the recording of that last speech of his majesty in the Clarke's booke of our house" (*ante*, 323), "wh<sup>o</sup> alsoe his ma<sup>y</sup> doth take on him to have been done by his "commandment." MS. S. P. O. 24th January 1628 [9]. Soon after this date one of these printers, Norton, lost his appointment and was dragged into the star-chamber, in consequence of having preferred a charge of bribery against the lord treasurer.

† The allusion is the punishment of the wretched man Savage, described *ante*, 367.

day was done, whether just or not, of all that had transpired at the sitting. In a message he sent to the commons immediately afterwards, he told them he should think in future well or ill of them according to their resolutions "and particular men's speeches." \* But of any scheme for silencing such speeches, if, as might have seemed from what previously had been concerted by the council, it was ever gravely entertained, Eliot and Selden had shown the hopelessness. No man could doubt who had this day heard those trusted leaders, that for the invasions and wrongs against religion, and against personal liberty and property in trade, by which so many had suffered in the recess, the house was already pledged to exact full penalties. It was for this that Eliot had spoken, and Selden seconded him; while yet no proposition was submitted to them, and the privy councillors had not broken silence. But before describing, under the two subjects respectively, the scenes that followed, a brief intervening space is claimed by Eliot's private affairs.

His father-in-law, Mr. Gedie, had written to him from Treburey about his children, and had complained of the infrequency of his letters. Eliot tells him in reply that he had not had opportunity to write since his coming up; and though it might seem an omission of his duty, yet he presumed his father-in-law would give it an interpretation of more favour, there being nothing in his desires more than Mr. Gedie's satisfaction. He had himself been that Christmas in Essex with my lord of Warwick, and had returned to London but newly before the parliament. Nothing as yet of alteration had since happened worthy his special acquaintance; all things standing in the terms they did, "*or worse*." He speaks then about the Cornish estates and tenants, and as to a treaty for certain church leases in progress with their bishop. Of his friendly relations with the celebrated Hall who at this time held the see, I have before spoken; † but

\* *Parl. Hist.* viii. 257.

† *Ante*, 195-6, and i. 463.

certain misgivings are observable in the present letter, partly owing, it would seem, to the circumstances referred to, but also arising, there can be no doubt, out of the position in regard to church administration and government which Eliot was now himself about to assume. One of his agents, he says, had received a general direction from Mr. Gedie for the treaty with the bishop, but nothing was yet done; and *now*, in that matter, he could look for "little" at his hands. He would be fain therefore to resume the occasion to himself, which, if with a small trouble in the country the bishop had first attempted, with much advantage might easily have been brought on. "I hope," he concludes, "you all retaine  
"yo<sup>r</sup> healthe at Treburfey, though I feare the sicknes  
"prov'd mortall to yo<sup>r</sup> servante. I shall dailie praie  
"for the contynewance of yo<sup>r</sup> happines and will be  
"ever y<sup>r</sup> most affectionat son in law, J. E." \*

A few days later he wrote again. By this time he had revived in the commons' house the report of the committee which had sat on the stannaries, and had obtained an order for again bringing up the witnesses against Mohun.† But unexpected difficulties intervened; and it was suspected that not a few who formerly gave evidence had been tampered with or got out of the way. This matter occupies the greater part of his second letter to his father-in-law.

"SIR, I wrote to you latelie by a footman who gave y<sup>e</sup> first oportunitie has been offered since my cominge up. This is now the second, wh<sup>ch</sup> I cannot pass without a line or two to testifie the affections that I have; and to drawe, if I may be worthe of that favour, the like remembrances from you. Wh<sup>ch</sup> will give me a satisfaction beyond all other hopes. This messenger comes now with warrante for the bringinge up of the witnesses in the case of Mohun. Some of them

\* From the MSS. at Port Eliot. Westm<sup>r</sup> 23 Jan. 1628 [9].

† This order bore date on the 27th, the day appointed for the call of the house. See *Commons Journals* of that day. The warrants "to send for witnesses to justify their former evidence against lord Mohun, fetch them up, and to answer their contempt," were directed to issue three days later on the motion of Sir John Eliot. See *Journals*, i. 925.

“ are near you. If you see them, and find anie indisposition in them  
 “ to the service, I praie remove them from it; and let them knowe  
 “ they shall incur a daunger to themselves if they appeare backward;  
 “ and yet, in the end, be enforced to the same thinge upon more pre-  
 “ judice: the house being much affected to the cause for their own  
 “ honor, as likewise for *your* other cuntrymen, who will speedilie be  
 “ sent for. And the order against Wyvell is already graunted. From  
 “ *weh* if they withdrawe, or hide themselves, there is a course resolv’d  
 “ on presentlie to attayne them. Burges *y<sup>r</sup>* neighbour is sente for by  
 “ this warrante, *weh* is now dispatch’t; and I hope he will not faile  
 “ appearance. I doubt not, but, if their backwardnes detract not,  
 “ something will be done for the example and advantage of the  
 “ cuntry. I have appoynted this afternoon, being at leisure, to see  
 “ our Bp. [bishop]. What reception I shall have, you shall knowe by  
 “ the next messenger; and if the waie be open, I will give some over-  
 “ ture to the treatie for my lease. Thus in hast, with my praiers for  
 “ *y<sup>e</sup>* continuance of *y<sup>r</sup>* health, and the blessinge of all the little ones,  
 “ I rest *y<sup>r</sup>* most affectionat son-in-lawe, “ J. E.”\*

This letter meanwhile was crossed by one from Mr. Gedie referring to some sickness in the nature of an epidemic by which they had been visited at Trebursey, and which had declared itself after the servant’s death before mentioned by Eliot. He now heard with alarm that his father-in-law and the children had been so near to danger, although it had passed away. Replying to Mr. Gedie, he further tells him he hoped his own former letters had reached, and had satisfied him that the silence complained of had not been so long as was supposed, nor could so far have made him guilty as to have omitted any duties for which he might find either occasion or opportunity. Again he adverts to the sickness. “ I am  
 “ sorry to heare you have not enjoyed the like healthe  
 “ that wee have; but I thanke God that the infection  
 “ goes noe further to seize on the children or *y<sup>r</sup>*selfe;  
 “ tho’ I cannot but a little wonder at the adventure  
 “ *wh<sup>ch</sup>* you make to remain so near the sickness, having  
 “ the command of the house at Cutten’s † that is foe

\* From the MSS. at Port Eliot.

† Cuttenbeake (Cuddenbeck) doubtless; see *ante*, i. 467. This letter, as the others, is from the Port Eliot MSS.

"free." He speaks then of the busines of the estate,\* and closes by reference to a graver busines. Gedie had asked him of the progres of affairs in parliament. Eliot answers that they had nothing yet to certify of the hope of their proceedings. The intention was now wholly fixed upon the matter of religion, which had been discovered to be in such state and condition that if there were not some quick prevention made, danger if not ruin was upon them. "Other evils," he added, "are hardlie felt. But for this there is such need of assistance, of good praier, that we must crave yo<sup>r</sup> helpe to seeke that blessing. W<sup>ch</sup>, I shall ever begg, maie bee returned both on y<sup>r</sup> selfe and all the little ones. And foe, with representation of my service, I rest y<sup>r</sup> most affectionate fon-in-law,  
J. E."

Most grave indeed had been the agitation that broke forth about religion, as the acts of the new metropolitan were discussed, and their drift generally perceived; nor had any, even of the leaders most intensely puritan, entered promptly against them such effectual protest as Eliot. To him, at that crisis of fear, again the front place had been given; and his was the warning voice that now raised the temper of the house to a level with the danger threatening the land.

\* The passage may be quoted. Its opening allusion I supposed at first to refer to the children: but I since see reason to doubt this. "I have not yet hearde of Mr. Rowe, whom by yo<sup>r</sup> l<sup>r</sup>es I expecte; but when he comes, both for Jacobiten and the reste I will give him what furtherance I maie. I could not, for the advowson, make anie dispatche from hence; because I knewe not his desire to whom it should be granted: but when he comes, or shall to that end signify his will, I will presently effecte it. For yo<sup>r</sup> busines in the chancery, or that concerning the debt of Edgcumb, I can give you no accounte, Rowe having not been with mee, nor Lucas, more than once, tho' oftentimes solicited; and at his being with me, he found me so engaged as I had no minute to allow him for the leaste conference, but praied him to afforde me a newe leisure which he promised but does not yet perform. I knowe not what satisfaction hee gives you in the busines of y<sup>r</sup> purchase; but I heare he complains for want of instructions from you, how you will have it taken: in w<sup>ch</sup>, in my opinion, there can be no advantage by delaie, but 'twere well you had it done." From the MSS. at Port Eliot.

## VI. RELIGION AND ITS OVERSEERS.

The interval between Eliot's first speech and the day appointed for the call of the members, was occupied chiefly by complaints of the seizure of merchants' goods. Upon Chambers and Vassall submitting their cases by petition to the house, Mr. John Rolle the member for Kellington, and cousin to Eliot's friend,\* rose in his place and stated his own. The officers of the customs had seized goods belonging to him of a large amount, because he refused to satisfy their demand for rates levied without authority of parliament, though at the same time he had offered ample security for ultimate payment of whatever should be adjudged due by law; and upon his pleading privilege as a member of that house, he had been told that if he were not merely a member but the entire house, his property should be taken.

At this a great many angry speeches were made: Philips declaring it to be within his knowledge that as much as five thousand pounds' worth of merchandise had been seized and sold for pretended dues not amounting to two hundred pounds; and calling with such vehemence for a committee to consider the whole subject, that secretary Cooke made appeal, which he said he had already received it in charge from his majesty himself to make,† for greater moderation of speech. To this Littleton bitterly retorted, that they received good admonitions and had followed them. Moderation had been preached to them in parliament, and they had followed it. He wished only that others did the like out of parliament. Why should not the parties be sent for that had committed such violations, and there receive their

\* See *ante*, i. 477, and also 425. I mention only Chambers and Vassall, but John Fowkes, Bartholomew Gilman, Richard Philips, and other merchants to the number (it was said by Eliot's friend Waller, member for the city) of hardly less than five hundred altogether, became involved in the same unjust seizures.

† This was only the second day of the session, so that the allusion may probably be taken as having its origin in Eliot's speech of the previous day.

doom? Eliot followed up this suggestion with an effect that was decisive. He saw, he said, by the relation of their worthy member (Mr. Rolle), what cause they had to be tender of the liberty of the kingdom and of that house, and yet withal retain such moderation as might give satisfaction to the world that their hearts were fixed to serve his majesty, and free them from all jealousy. He differed so far from his friend Sir Robert Philips that he was not for remitting the whole subject to a committee.

"Three things are involved in this complaint. First, the right of the particular gentleman. Secondly, the right of the subject. Thirdly, the right and privilege of the house. Let the committee consider of the two former; but, for the violation of the liberties of this house, let us not do less than our forefathers. Was ever the information of a member committed to a committee? Let us send for the parties! Has there been here a bare denial of the restitution of the goods? Has it not also been said that if all the parliament were contained in him, they would do as they did? Let them be sent for!"\*

At once the order was made. The officers of the custom-house were sent for, and next day would have been at the bar but for a message from the king. The house was to forbear further debate until the afternoon of the day following, when he would himself speak to them in the banquetting house. There they went accordingly; received a warning against jealousies, with significant allusion to "particular members' speeches;" and had to repress as they might the wonder and derision with which they must surely have listened to the rest of his majesty's address. It was a disquisition on tonnage and poundage, of which the gift was to claim those dues for life, though not as a right but a necessity; and, in the same breath wherewith he *disclaimed* them except as the free gift of his people, to prove them to be so absolutely essential to him as to leave his people no discretion to

\* This speech is not quite correctly given in the *Parl. Hist.* (viii. 255): Fuller's *Ephemeris* (237) is better.



withhold them.\* They would therefore do well to pass the bill without delay, since it would so set matters straight as to dispense with the necessity of proceeding further about the merchants' goods.

That was on Saturday the 24th; and on the evening of the same day Netherfole wrote to the king's sister to tell her that, in the matter of religion, the house were as yet quiet; but that the greatest business was like to be about *that*. His majesty, he added, had now granted his pardon to those four divines, Montagu, Cosin, Manwaring, and Sibthorp; every one of whom had been under censure of the commons. "But that will hardly save some of them! God keepe us in good temper."† The time was indeed fast arriving when there would be fore need of it, for the discussion as to religion was to be no longer delayed.

Eliot had chosen his course. Differing from the extreme puritan views held by many of his friends, he yet saw that Laud's recent practices offered a point of union against a common enemy, and he resolved to seize it. The object of the late promotions, coupled with the declaration prefixed to Laud's issue of the church articles, left no doubt of a design which might with equal heartiness enlist against it the men wholly opposed to an established church, and the men desiring only to cleanse and purify it. The very extremes of moderation and fanaticism might join in such a league. For, the thing to be overthrown was not a dogma or belief,

\* Reference to the king's actual words (*Parl. Hist.* viii. 256-7) will show that I have stated his argument with perfect fairness. In his declaration after breaking the parliament, he substantially repeated it: "We did not challenge it of right, but took it *de bene esse*; showing thereby, not the right, but the necessity by which we were to take it" (viii. 346). Hume himself is fain to say, unanswerably, of the position of commons and king in this tonnage and poundage dispute: "If unreasonable in their refusal, they still refused nothing but what was their own; and if public necessity required the supply, it might be thought also to require the king's compliance with those conditions which were the price of obtaining it." *Hist.* li.

† MS. S. P. O. 24th January 1628 [9].

a church or a ceremonial, but a settled plan and conspiracy to turn all such things from God's to man's service : to substitute for the true protestantism that had set the deity above his creatures, the bastard popery that would again put conscience under authority ; that would complete the political by the religious subjection of the people ; and by establishing supreme in politics and doctrine the power of the king, compel the subject at his will to submit to that plunder of property and invasion of person which the Sibthorps, Manwarings, and Montagus had declared it to be impious to resist. This, and no other, was practically the meaning of what then was called Arminianism. There are mixed motives in the actions of most men, and it would be easy to set up other pretences for Laud, defensible by ingenious argument ; but the plain tendency of what he was now doing has here been plainly and unanswerably stated.

To some extent, owing probably to the temperance of his views, his intercourse with churchmen, and his disposition to favour a moderate establishment, Eliot had not taken special part hitherto in discussions exclusively religious. The interest awakened by his present interference appears to have been proportionately great ; but it will not be found, remarkable as its results were, that the speech he was now to deliver differs in argument, or even tone, from those wherein formerly he has adverted to the same solemn theme.\* Religion, by which he meant verily what he thought to be God's will preserved in His written word, is also, in the sense in which he further regards it, not only a portion of the laws and inwoven with the liberties of England, but an express and visible image of the triumph over spiritual despotism which the sufferings of their fathers had won for them. What undoubtedly is to be called a political element runs through all Eliot's utterances respecting it ; and his objection to par-

\* See in previous passages, 118-19 ; 127-30 ; and i. 10-13 ; 247-50, &c. &c.

dons for priests and jesuits is, in another form, his objection to breaches of the law.\* This might not be, by any means, a perfect religious tolerance; but it was the view which a religious statesman was then entitled to hold, which in Eliot was the fruit of an unfeigned belief that in the Bible alone was contained the very word and will of God, and which he was now to express in one of his greatest efforts of oratory, hitherto imperfectly recorded, but presented here from his own report.

The debate in which it was delivered had been opened on Monday the 26th, when the house declined to enter upon the tonnage and poundage bill to which secretary Cooke had invited them, and took up religious grievances. Some good puritan speeches were spoken on that and the day following. Sherland said manfully that what they suffered from was the faction of a few churchmen who were putting the king upon designs that stood not with public liberty, and were telling him that he might command what he listed and do as he pleased with their goods and lives as well as with their religion. Rouse denounced Arminianism as the spawn of popery; compared the craft of its abettors to that by which Troy had fallen, desiring them to look into the very belly and bowels of the new Trojan horse to see if there were not in it men ready to open their gates to Romish tyranny and Spanish monarchy: and claimed as above even the great Petition securing their goods, liberties, and lives, that right of a higher nature preserving to them far greater things; even their eternal life, their souls, yea their God himself; that right of religion derived to them from the King of kings, confirmed to them by earthly sovereigns, enacted by laws in that house, streaming down to them in the blood of martyrs, and witnessed from heaven by miracles, even miraculous deliverances; that right whose many and recent violations the nation was then strictly

\* See what he says in his memoir, and first speech on religion, *ante*, i. 245-52; also i. 333-4; 341-2.

summoning them deeply to consider. Edward Kyrton resumed the note struck by Sherland; said that the ambition of a faction in the clergy who were near the king was begetting and bringing in all the differences then among them; told them it was only by striking at those roots they would cause the branches to decay; and warned his majesty that it was not the calling in of *Appeals to Cæsar* \* that would do it, for if men could get bishopricks by writing such books, they would have plenty more to write them. Pym followed in a similar strain; denounced all preferments for teaching contrary to the truth; recited the overt acts against religion for which men had been advanced, and the manner of preaching before majesty then become fashionable; detailed the pardons lately employed to make abortive all the laws against popery; and described the proclamation against Arminian controversy to be a suppression of books written against their doctrines and a permission of books written for them. Seymour enlarged on the same theme. And Philips closed, as Rouse began, in very fervid puritan tone; warning the house of the misery that befell the Jews when they broke their peace with God; repeating what Eliot had said on their first day of meeting, but with application not to the inefficiency of man's council but to the presence of God's displeasure; inferring its proofs from what had befallen the family of Bohemia down to the storm in which its prince had lately perished; † and avowing his belief that it was because of the Almighty sitting in the council of their enemies, and blasting their designs since these heresies crept in, England was now become the most contemptible nation in the world. ‡

\* See *ante* (331), and i. 252-3.

† He had perished miserably in a wreck at sea (see *Court of Charles*, ii. 7-8). Netherfole in his next letter to his mother does not forget to tell her that in summing up the signs of heaven's displeasure, "Sir Robert" Philips gave for one cause the loss of your majesty's son."

‡ See *Parl. Hist.* viii. 258-64. The report in Fuller's *Ephemeris* is restricted to Eliot's later speech, which is very briefly and badly given.

It was on the second day of this exciting debate that Eliot rose. It was the day of the call of the house, and the seats were crowded. All the old faces were there, saving one that could ill be spared, but for which Mr. Speaker's letter was to be sent in vain.\* Sir Edward Coke's last speech within those walls had been spoken; but not far from where he used to sit, and next the place on the left of the chair now occupied by Mr. Hampden, might be seen this day a face as yet less familiar, but strangely impressive to all who were drawn to look upon it, and probably moved by the subject of the present debate as few others were. Mr. Oliver Cromwell's first speech has not yet been spoken; but on the matter in hand he will have something shortly to say worth listening to, though not to-day. To-day he listens to Eliot.

A message had early been delivered from the king to stop the further discussion if possible. As a favour to himself he desired them to give precedence to his business, and, by taking in hand the tonnage and poundage bill, to close that dispute with some of his subjects which was becoming inconvenient to the public service. Sir Walter Erle said thereon that it was a proposal to put the king's business before God's, and he would not consent thereto. Some agitation followed; on which Coryton rose to point out the advantage to his majesty himself of interposing some delay as to the tonnage bill, throwing in the assuaging remark that the business they were then upon concerned the king more nearly than even his poundage, and their most real way of showing him respect would be to continue it. The diversion restored quiet; and at this point Eliot stood up. His opening allusion was to Coryton.

"MR. SPEAKER,—I have always observed, in the proceedings of this house, Order as the best advantage; and I am glad that noble gentleman, my countryman, to the many excellent services he does, has added this: this interval of delay: this occasion to retard the course

\* See *Parl. Hist.* viii. 288.

"that you were in. For I fear it would have carried us into a sea of such confusion, as, beside the length and difficulties of the way, would have made the issue dangerous. This opportunity and example having given some deliberation to my thoughts, I propose to consider, in so far as the suddenness will permit in so vast a work as this, this great business of religion, and what may be expedient.

"The prejudice towards it is apparent. Of that, all men's apprehensions are now full. Popery still increasing, Arminianism creeping up, and their sectaries and supporters growing in power and boldness—the prevention of these must be the object of our labours. I shall therefore presume therein to make you an expression of my thoughts, and to conclude them in that order which I hope shall be conducive to the work.

"To enter into the disquisition of writings and opinions, as it has been propounded, I doubt would be too intricate and involved. There is such diversity amongst men, such differences of learning, such variety of spirits, such a stream and flood of contradiction, that the reconciliation would be hard; and instead of light and direction to the way, we might by that search and scrutiny (perchance) darken and obscure it.

"I presume, Sir, it is not the intention we now have, to dispute the religion we profess. After so long a radiance and sunshine of the gospel, it is not for us to draw it into question. Far be it from this house to leave the mention to posterity—that we had been so ill doctored in the truth as to have had it now in controversy amongst ourselves. The Gospel is that truth which from all antiquity is derived; that pure truth which admits no mixture or corruption; that truth in which this kingdom has been happy through a long and rare prosperity. This ground, therefore, let us lay for the foundation of our building: that that truth, not with words but with actions, **WE WILL MAINTAIN.** Sir, the sense in which our church still receives that truth, is contained in the articles. There shall we find that which the acts of parliaments have established against all the practice of our adversaries. Not that it is the truth because confirmed by parliament, but confirmed by parliament because it is the truth."

This commencement, so striking in itself, had also a pregnant reference to questions opened in the debate; and the broad and simple counsel it gave, that men of all parties desiring the truth should forget their ordinary differences in a common effort to defend it, was the advice of a statesman. He was now to speak of the declaration published lately in the king's name, but which all men knew to have been the work of Laud;

and here we observe the same care, which has been noted so frequently at all the stages of his career, to separate the king from his ill advisers and ministers.

“ And for this give me leave, that have not yet spoken in this great cause, to show you what apprehensions I have, what fears do now possess me, to the end that by a view and circumspection of our enemies, taking note of their works, how they intrench upon us, we may be the better able to oppose them, and by prudence and endeavour strive to make such timely resistance as will secure ourselves.

“ Among the many causes of the fears we have contracted, I confess there is none comes with a fuller face of danger to my thoughts than the late Declaration that was published under the name and title of his majesty. So much the more dangerous I conceive it, as it stands countenanced by that title. Wherein yet that I may not be mistaken, this conclusion let me lay : that whatever may appear worthy of fear or jealousy, in this or other things carrying the authority of his majesty, I have not the least suspicion of his goodness, or the least diffidence of him. His piety and justice will still retain their excellence, as the sun his brightness, though the reflection of that glory in the effect and operation be obscured. Though, by the interposition of some vapours, some gross and putrid exhalations, some corrupt ministers and servants, that light may be eclipsed, yet is it constantly the same in itself, and its innate property and virtue are not lessened or impeached. Sir, that this may be ; that the piety and justice of the sovereign may be clouded and obscured by corruption of his ministers ; give me leave to clear from all misprision. That princes may be subject to the abuses of their servants, who to support their own ill actions may intitle them to their names,\* give me leave a little by digression to observe in some examples of old times. The judgment even of kings comes as a resolution in the point, and I shall mention it not only as that which may be profitable, but I am sure also as not unnecessary for us.

“ I find in the story of Antiochus, that great king of Asia, that upon occasion of such suspicion of his servants, he sent his letters to his provinces that if they received any dispatches in his name not agreeable to justice, they were to believe *se ignoto esse scriptas* ; that they were feigned and counterfeits not proceeding from his will ; *ideoque eis non parerent*, and that no man should obey them. Sir, this shows not only the virtue of that prince, but the abuses he was subject to : that such things might be counterfeited or surreptitiously procured, in prejudice of his honour, in prejudice of his people, both which, by this act, he studied to protect and secure. And the like I read of Gratian : as to which I beseech you well to observe the example, for

\* “ Intitle them ”—that is, claim and exercise the liberty of using their master’s authority without his express knowledge.

“ in some things it comes nearer to the analogies of these later times.  
“ That great ruler made the like signification not upon a present necessity or occasion only, but reduced it to a law transmissive to posterity.  
“ From their books the civilians can testify this. Therein it is said, expressing both the act and the reason, that his rescripts should in nothing be observed when they were contrary to justice and repugnant to the laws: *Quia, inverecunda petentium inbiatione, principes sæpe constringuntur ut non concedenda concedant.* Reading an expression so full as this made by so great a prince, so great in power and wisdom, confessing the abuses he was subject to,—even to be constrained, through the petulance and importunity of his ministers, to arts not worthy of himself,—shall we doubt that without prejudice to their order, nay, in their favour and advantage, the same opinion may be held of the princes that now are? And if so, then of our dear sovereign, whose goodness most doth warrant it.

“ This, Sir, is the conclusion I would come to: that if such things have protection by his name as in the least point are not answerable to his piety and justice, we should think *inverecunda petentium inbiatione, aut se ignoto* they are done, either without his knowledge or through the misinformation and importunity of some that are about him. I will so believe it of this Declaration that is lately published, by which more danger is portended than in all that has been before. For by the rest, in all other particulars of our fears concerning Popery or Arminianism, we are endangered by degrees; the evils approaching by gradation, one seeming as a preparation to another; but in this, like an inundation, they break on us with such impetuous violence, that, leaving art and circumstance, they threaten at once to overwhelm us by plain force. For, I beseech you, mark it. The articles contain the grounds of our religion; but the letter of those articles, as the declaration doth confess, implies a doubtful sense, of which the application makes the difference between us and our adversaries. And now the interpretation is referred to the judgment of the prelates, who have, by this declaration, the concession of a power to do anything for maintenance or for overthrow of the truth. The truth, as I said, being contained in the articles, and they having double sense, upon which the differences arise, it is in the prelates now to order it which way they please, and so, for aught I know, to bring in Popery or Arminianism, to which we are told we must submit. Is it a light thing to have the canons of religion rest in the discretion of these men? Should the rules and principles of our faith be squared by their affections? I honour both their persons and professions: but give me leave to say, the truth we have in question is not man's but God's; and God forbid that man should now be made to judge it! I remember a character and observation I have seen\* in a diary of

\* Marginal note by Eliot to his own transcript of this speech: “Apud S<sup>r</sup> R. C.” (Cotton's).



"Edward the Sixth, where that young prince of famous memory, under his own hand writing of the quality of the bishops of his time, says that *some for sloth, some for age, some for ignorance, some for luxury, some for popery, and some for all these, were unfit for discipline and government.* I hope it is not so with ours. I make no application. But we know not what may be hereafter; and this is intended to the order, not the persons."

Even at that exciting time, amid the cheers of his puritan friends around him, Eliot had not forgotten to be just. About to single out Laud, Neile, and Montagu for their wrongs to religion, he yet was careful to distinguish between the order and the men, and to avow his own still surviving allegiance to the church of which they had proved themselves unfaithful sons. Yet not the less, according to the report of men present at the time, did his fine succeeding burst as to "ceremonies" again merge together the differences of his listeners into one stern expression of resolution and joy, as it flashed upon them the picture of men standing suddenly forward in their churches at the repetition of the creed, with their bodies upright and their swords drawn. The allusion was to the old nobles of Poland.\*

"I speak it not by way of aspersions to our Church. Far be it from me to blemish that reputation I would vindicate. I am not such a son to seek the dishonour of my mother. She has such children in the hierarchy as may be fathers to all ages; who shine in virtue like those faithful witnesses in heaven; and of whom we may use the eulogy of Seneca on Cælius, that it is no prejudice to their merits *quod ævo temporibus nati sint.* But they are not all such, I fear. Witness those two, complained of in the last Remonstrance we exhibited, doctors Laud and Neile; and you know what place they have! Witness likewise Montagu, so newly now preferred. I reverence the order, though I honour not the man. Others may be named, too, of the same bark and leaven; to whose judgments, if our religion were committed, it might easily be discerned what resolutions they would give; whereof even the procuring of this reference, this manifesto, be made, is a perfect demonstration.

"This, Sir, I have given you as my apprehension in this point, moved both by my duty to your service and religion; and therein,

\* See Howel's *Letters*, 268.

a symbol of my heart, I will say by way of addition, and for  
mony, that whencesoever any opposition may come, I trust to  
tain the pure religion we profess, as that wherein I have been  
and bred, and if cause be, hope to die. Some of our adver-  
saries, you know, are masters of forms and ceremonies. Well, I  
uld grant to their honour even the admission at our worship of  
e of those great idols which they worship. There is a ceremony  
in the Eastern churches of standing at the repetition of the  
d to testify their purpose to maintain it; and, as some had it, not  
with their bodies upright, but with their swords drawn! Give  
leave to call that a custom very commendable! It signified the  
stancy and readines of their resolution to live and die in that pro-  
on; and that resolution I hope we have with as much constancy  
med, and on all occasions shall as faithfully discharge; not  
ing our lives where the adventure may be necessary, for the  
nce of our sovereign, for the defence of our country, for the  
nce of our religion.

And this, Sir, the more earnestly I deliver for an intimation to our  
mies, that they may see from hence what will surely be the issue  
their plots, who by innovation of religion strike at the safety of  
state, and so seek to undermine church and king and country.

God will, I hope, direct us to prevent it, now the danger is dis-  
ered. To that end my expressions have been aimed. Wherein  
come to a conclusion, all other ways put by that may be intricate  
confused, let us proceed upon the ground already laid. Let us  
old that known truth we have professed; not admitting questions  
disputes, but inquiring who offends against it, whose actions,  
ose doctrines, whose discourses have been in prejudice thereof;  
upon those let us proceed to examine, and to adjudge them. Let  
ir punishments be made exemplary to others. Let these speak the  
rits of our cause. They are actions, and not words, that must  
re us now against the boldness and corruption of these times; for  
that disease and sickness this is the only proper medicine.

And thus, with my wonted freedom, have I presumed upon your  
ience thus suddenly to express myself in so high and great a cause.  
ording to the narrow comprehensions of my thoughts I have  
en you the weak reasons I conceive to show the danger that is  
ards us, and the prevention it may have: wherein craving with  
humility your pardon, I submit to your grave judgments, and so  
re it to the consideration of the house." \*

from the MSS. at Port Eliot. Rushworth's report (i. 648-9) is very

But even the longer version from Crewe's collections, printed in  
*Earl. Hist.* (viii. 268-273), will be found, upon comparison with what  
re for the first time printed, a very inadequate expression of Eliot's  
age. The substance is given, but neither the finish and the splendour,  
he subtle management and nice arrangement of the sentences.

The immediate result of this speech, of which some one said it was a light that fell into a well-laid train, was the Vow which Laud afterwards described as the challenge of the lower house in matter of religion.\* With bodies upright, and with swords ready in case of need to be drawn, the English commons, for an agreement in which all could join, did then and there claim, protest, and avow for truth, the sense of the articles of religion established by parliament in the thirteenth year of their late queen Elizabeth; which by the public act of the church of England, and by the general and current exposition of the writers of their church, had been delivered unto them; and did reject the sense of the Jesuits and Arminians, and all others wherein they differed from such public act and exposition.†

Nor was it merely with the general protest contained in this Vow that the scandal committed by the offending bishops was proposed to be left. The claim incidentally raised to settle points of faith or doctrinal dispute by authority of convocation, appeared to Eliot to involve an assumed power so dangerous that he desired the house specially to denounce it by separate resolutions; and he gave notice to bring Laud's declaration again under discussion on the third of February. A few days earlier he had communicated with his friend Sir Robert Cotton, whose attendance at the debates had been by some cause interrupted; and the incident, now only traceable through the papers at Port Eliot, is fresh and interesting proof of the constant coöperation in public affairs‡ of these fast friends and famous men. Eliot wished to have Cotton's

\* MS. S. P. O. A copy of the "vow" of the house, declared by resolution and reported on the 29th by Pym (see *Journals* of that day), is on the 28th endorsed by Laud as in the text.

† For Laud's remarks on this "vow" see *Heylin*, 181-2. To some of them Heylin ventures to make objection; comparing his desire to do so to Alphonso of Castile's desire to have stood at God Almighty's elbow when he made the world, that he might have stated his objection to some things therein.

‡ See *ante*, i. 411-414 &c.

help how best to word his proposed censure of Laud's declaration on public grounds; and the terms of his letter show how difficult it was to communicate safely on such subjects, even with all the advantage of trusted messengers. Eliot sent first by his own servant: speaking of the business in his letter as one he hardly dared communicate; but presuming to entreat his friend's advice and aid, according to the reason and necessity of so great a work, having in his love as much confidence as in himself. Then he dispatched for the reply another messenger, his own man being gone out of town: telling Sir Robert that when he should think fit to send, the messenger would be his envoy; but that his discretion was only "for the carriage, like a wise porter;" and that he must desire his friend's directions also privately, in a word or two from himself.

The undated half-sheet on which these lines were written is still among Cotton's manuscripts in the national collection.\* That which I cannot doubt was the reply I found among the papers of Port Eliot, and I give it exactly as it still remains. It is throughout in the handwriting of Sir Robert Cotton.

"QUESTIONS DETERMINED BY THE HOUSE OF PARLIAMENT."

"1. That the Spirituall and Temporall persons of the kingdome of England under his Ma<sup>tie</sup> his Head make not together the Catholique Body of the Church of England

"2. That Archbishops, Bishops, and the rest of the Clergie assembled and authorized in the Convocation House, cannot impose upon the Layty an Obedience and Conformitie to any Doctrine or Discipline by them agreed on in their Assemblie without the full Assent thereunto in Parliam<sup>t</sup>.

"3. That all Persons as well Ecclesiasticall as Temporall are bound to hold and maintaine as y<sup>e</sup> Doctrine of the Church of England those things literall to w<sup>ch</sup> they gave their full Assents in Parliam<sup>t</sup> in the 13<sup>o</sup> Eliz<sup>th</sup>, and to no other.

"4. That whosoever shall either by publishinge or writinge publishe any other doctrine than was assented to by that Act of 13<sup>o</sup> Eliz: is guilty of Innovacon and to be punished as a Breaker of the Lawes

\* Brit. Mus. Cotton MSS. Julius C. III. fol. 169.

“and a disturber of the quiet and [peace] of the Church and Commonwealth :

“TO MY DEAR AND WORTHY S<sup>r</sup> JOH. ELIOT—If you pass tomorrow something to the purpos above, it will breat [break] the plott, I beleau, of thos Bishhops that hau fanstied a way to introduc Inouation, by a Conuocation-power the may hau by leau [they may have by leave]. And it wilbe a hapy condifon of your disput of Religion to preuent such a practic by a voted Resolotion of the Houfe, and that wurded in thofe Reirfte. Yours for ever

“ROB. COTTON.

“2<sup>d</sup> Febuary 1628 (9).”

Whether Sir Robert meant by the last word to say that the resolutions were “rehearsed” in his paper, which his abominable spelling and writing would appear to show, or only that he had revised them, which the manuscript leaves equally possible,\* I cannot satisfy myself. Nor is it now to be ascertained clearly whether the resolutions were moved at all. Everything was hurried and disordered in this brief anxious session, and its printed records are so imperfect as to offer little reliable information of what was done, or when, or even of the days of debate. There is, however, a fragment in Crewe’s collections to prove that the subject of which Eliot had given notice was really under discussion on that very third of February; and it contains brief abstracts of speeches by Kyrton, Coryton, and Erle, all of them Eliot’s intimate and especial friends, making bitter attack on the declaration prefixed to the thirty-nine articles as well as on Laud and Neile.† But Eliot himself makes no appearance in it. The only other speaker is Sir Humphrey May, whose reply to those puritan assailants was not likely to have satisfied either of the right reverend lords assailed. The Remonstrance of the last session, which the king after the prorogation had so unwisely withdrawn from

\* I referred it to my friend Mr. Bruce who pronounces for rehearsed; very justly adding, however, that “it is a mode of spelling the word that I should think Sir Robert would not have found even in his library; but the paper is so tender in that part, that I am almost afraid to touch or even look at it.”

† See this fragment in *Parl. Hist.* viii. 279.

among the records of the house, having now been formally replaced among the parliamentary rolls,\* and the order given for printing it, May took occasion to say that the two bishops denounced therein as Arminians, and upon whom Kyrton and Erle had charged the promotion of Montagu, had, upon their subsequent appearance at the council-board, not only disclaimed Arminian opinions, but on their knees renounced them.

Next day the subject was resumed by discussion of the recent scandalous preferments, upon production by the "committee of search" of four sealed pardons, extended respectively to Montagu, Cosin, Sibthorp, and Manwaring; at which bitter indignation was expressed. If ever, said Philips, there had come into that house a business of the like consequence, he had lost his memory. Here were men, marked enemies to the church and state, and standing under judgment of the parliament, pardoned in the interval between two sessions! As to the first and last, it seemed clear that Mr. Attorney had drawn the pardons upon order from the king, under solicitation from the bishops of London and Winchester; but for the other two, Winchester was shown to be solely responsible. "In *this* lord, then," † exclaimed Eliot, "is contracted the dangers we fear! He that procured those pardons may be the author of these new opinions. Let us not doubt but that his majesty, being so informed, will

\* See *Parl. Hist.* viii. 266. Upon its being resolved in this session, Netherfole writes, to renew such portions of the Declaration issued last session against the duke as related to Arminianism, "it came to be known that that Remonstrance was by his Ma<sup>ty</sup>'s commandment taken from the "Clarke and deliv<sup>d</sup> to my 1<sup>st</sup> Privy Seale. This was conceived to be so great a violation of the privileges of the house that it was soon resolved to stay all further proceeding till the Remonstrance, being a record, might be had. The next morning it was brought into the house by Mr. Secretary Cooke." MS. S. P. O. Netherfole to queen of Bohemia: 28th Jan<sup>r</sup>. 1628-9.

† A curious mistake had crept into both Parliamentary Histories by the misprint of "Laud" for "Lord" in this speech of Eliot's. Mr. Bruce corrected it some years ago in a paper in the 38th volume of the *Archæologia*.

“ leave him to our justice ; and that no jealousy between  
 “ the sovereign and us will be raised by such exhalations ! ” He had here unexpected and formidable reinforcement ; for, debating still these pardons four days later, Mr. Oliver Cromwell made his first speech, declaring that he had heard by relation from Dr. Beard (his schoolmaster) that Dr. Alabaster had preached flat popery at St. Paul’s-cross, and upon Beard’s objecting thereto the bishop of Winchester commanded him, as he was his diocesan, he should preach nothing to the contrary ; and that as for Manwaring, this same bishop had preferred him to a rich living ; and if these were steps to church preferments, what might they not expect ! Philips confirmed Mr. Cromwell’s statement as to Beard by another witness, to whom the bishop had said as much ; and, on the motion of Kyrton, both were sent for.\*

Connected also with these pardons a fact appeared against Mr. Attorney which moved very strongly Eliot’s anger. It seemed that upon Cofin publicly denying any royal supremacy over the church, proceedings were taken upon two sworn affidavits of witnesses who heard the words, and the case was in Heath’s hands ; when, according to Mr. Attorney’s own account, meeting casually with the bishop of Winchester, he told him of it, and the bishop replying that it would come to nothing, for that “ King, one of them that made the affidavit, was a baggage-fellow,” he resolved to abandon it.

\* *Commons Journals*, i. 929. That Mr. Cromwell had produced some effect by his pithy and pertinent speech is incidentally shown by the large space given to it, and the additional details supplied, in Netherfole’s next letter to his royal mistress : “ One Dr. Beard,” he writes, without mentioning Mr. Cromwell’s name, “ is sent for : who being many years “ since to make the rehearseall sermon at the Hospitall and there to reapeate “ one of Dr. Alabaster’s in wh<sup>ch</sup> he at Paule’s-crosse had preached some “ poyntes of popery, Dr. Beard was dealt with by Neale then bishop of “ Lincoln not to make any confutation of those poyntes, and rebuked for “ not having obeyed him therein.” MS. S. P. O. Westminster, 14th February 1628 [9].

Upon this Eliot urged the house, by its sense of honour as well as duty, not to pass over such things slightly. The king's honour also was in question, not less than that right of sovereignty which they were sworn to maintain. Here was a charge given in upon oath that might, if he mistook not, involve treason; and Mr. Attorney was under command to examine it. In ordinary felonies the law refused to allow an oath in answer to proceedings taken by his majesty, but here, against two affidavits, a word must dash them all! Mr. Attorney acquainted the bishop, and the bishop took it to be but a matter of malice. He greatly feared the intimation of the bishop weighed too far with Mr. Attorney. But be that part of the case true or false, Mr. Attorney's neglect of his duty was not to be excused, and he ought to be made to answer for it. Eliot's last remark went home. "I am much grieved," he said, "to see his majesty's Mercy run so readily to these kind of persons, and his Justice so readily upon others with trifling occasion—nay, upon no occasion, but only the misinformation of some minister!"\* He was soon himself to afford memorable example of how the balance of mercy and of justice was held at that court!

The attorney-general continued meanwhile to supply sufficient illustration of it. Another case for which, as sharply as in that of Cofin, he fell again under censure of Eliot as of the house, was his abandonment of the indictment against the Jesuits who had established a college in Clerkenwell, under formal rules, and in connection with the chiefs of their order abroad. The bad feature

\* My report of this speech is taken from Crewe (*Parl. Hist.* viii. 283) and from Fuller (*Ephemeris*, 243-4) which last supplies the closing passage. Eliot would have had Mr. Attorney before the house; but the lawyers pointed out that being by writ to attend the upper house he could not be enjoined to attend the lower, or to appear upon warrant; "whereupon" Mr. Littleton and Mr. Selden, being of the same inn of court, undertook to obtain an explanation or answer from him by the following Monday. But all such matters were of course broken off by the abrupt dissolution.



in this case was that the affair had originated with the council themselves; that the discovery had been paraded before the commons, at the opening of parliament, with much solemnity by secretary Cooke; and that it was only on finding the political capital expected from it not forthcoming, that the affair was gradually abandoned and the offenders let go.\* This compromise of one of the gravest offences against the law that could then have been committed, was clearly shown during the present sitting to have been concerted, through Lord Dorset, between the council themselves, the attorney-general, and some of the judges; and it was with no unbecoming indignation Eliot spoke of it. He begged the house to observe that here was a ground laid, by gross violation of the law, for a new religion, and a foundation for the undermining of the state; yet that when these men were most justly to have been brought to trial, then the over-officiousness of ministers and councillors must interpose to preserve them, to all their ruins! These men were in subjection to a foreign

\* In the second volume of the *Camden Miscellany* (1853) there is a detailed and curious account, by Mr. Gough Nichols, from the papers in the public record office, of "the discovery of the Jesuits' college at Clerkenwell in March 1627-8;" and in the fourth volume (1858) is a supplementary note to it. The so-called Jesuit's letter was a manifest hoax (as I have stated *ante*, 268) but the rest is well worth careful study. In his letter of the 14th February (MS. S. P. O.) Netherfole gives a quite unexaggerated account of what this college really was: "But we are now fallen on another matter wh is — In March last Mr. Secretary Cooke, having discovered that there was a College of Jesuites secretly erected at Clarkenwell, caused the house to be searched, and there found ten of the society, store of massing vestments, a library, furniture of a house marked with letters to show it belonged to the society, a relique of the ashes of Ignatius, and divers papers by wh it appeared that this college had been held at Edmonton about foure yeares before; from thence was removed to Camberwell; and now to Clarkenwell; where they had hired the house for three years, and gotten 400*l* a yeare toward the maintenance thereof of a funde, and divers benefactors not yet discovered. It also appeared that they had there held a congregation of Jesuits of this kingdom; that they held intelligence with the provinciall, and generall, of their order; had receyved monitory &c. from him, one whereby they were commanded to pray for the successe of a businesse of great moment; and much other evidence of their being a formall college living under rules."

power. They disclaimed the English sovereign. And what could be their purpose who laboured out a way to free them, but to destroy the liberties of that house? Was it possible not to fear that the drawing of the indictment was done maliciously for such purpose? The person he looked to first was Mr. Attorney, whom they still found faulty in matters of religion. He saw the importance of this cause, and he had directions from the king and council; and yet, in that which so much concerned the king, the people, religion, ALL, he chose to take his own hand away, and entrust it to another. It was a negligence that rendered him inexcusable. "The next," concluded Eliot, "is that great lord, the Earl of Dorset. I find *him* "to interpose himself herein. Let us fix it upon his person, and know by what warrant he did that which was "done. I observe another person faulty also. I hear "of the priest who was condemned Mr. Recorder made a "reprieve; and no man could vent his malice more to "this kingdom than in the preservation of such offenders."\*

Very admirable all this, in its salutary inculcation of the doctrine of personal responsibility; but intolerable to the king, whose inability to the last to see the safety of responsible advisers drew finally and fatally all responsibility to himself. On the present occasion, however, not only had explanations ultimately to be rendered by Dorset himself, by Heath, and by the two chief justices and the chief baron; but Mr. Recorder, now warmly engaged in the pleasanter office of pressing pretty Mrs. Bennett for mercy to himself, very narrowly escaped the punishment of delinquency for his ill-timed mercy to the priest. It was only in consideration of his having been Speaker he was at last sent for only as a witness. "You will find "nothing in it," said Cooke, "but the king's wish to be "merciful." "I doubt not," retorted Eliot, "but that

\* *Parl. Hist.* viii. 303-4. The notice of it in *Fuller* (260) is very brief,

“ when we shall declare the depth of it to his majesty, he will render *them* to judgment who gave him that “ advice.”

While thus prominently leading the house in its religious resentments the people's attention seems to have fixed itself on Eliot more than at any previous part of his career. Not that he or they wished to persecute in thus resolving to be freed from persecution. Be it always remembered that it is not from the philosophical view of tolerance in modern times such matters may be judged justly ; as if what is now become a scarecrow were not in those days a still appalling recollection, and the religion only powerful among ourselves to enslave individual intellect and conscience were not then infesting still every corner of the land, prevailing in the council, sharing the throne, and through its partizans eager as well as able to make spiritual subjection a means for the overthrow of civil freedom. Eliot's papers reveal how many sorts of people had crowded to thank him ; and by a letter of this date from his friend Mr. Godfrey, I may not only show something of this, but also the kind of pinch and pressure that was felt in almost every English town, and for which all were looking to parliament to relieve them.

Writing from Grantham in February to his “ Noble “ Sir ” he describes the comfort that the news of Eliot's health had given him, which he should ever pray for, and for a blessing upon his endeavours in the public service. Exalting then his efforts for God's truth ; referring to some particulars which he holds himself in readiness to come up, if need be, and explain in person ; remembering his wife's love to him ; and committing him to the tuition of the Power whose cause he was serving so well ; he adds what now may be read with a smile, but represented then a galling injury. “ If the “ Lord shall be soe mercifull to this sinful lande as to “ suffer good men to make a reformation in the church

"and commonwealthe, I beseeche you have this poore  
"towne of Grantham in remembrance, w<sup>ch</sup> is miserablie  
"serv'd with two base vicars." \*

Other appeals of a different kind were also occasionally made to him; and one of them possesses a singular interest derived from the character and position of its writer. The proclamation against Arminian controversies, professedly putting down the books of Montagu and Manwaring, but practically suppressing only all the answers to them, had been brought more than once under debate, by petitions as well from the printers whose property had been seized under it, as from the writers who already had been dragged by it before the star-chamber and high-commission. Among these was Mr. Henry Burton, treated afterwards so cruelly by Laud, whose *Babel not Bethel, that is, the Church of Rome no true Visible Church of Christ, being an answer to Hugh Cholmley's challenge and Robert Butterfield's maschill* † had been one of the books summarily laid hold of. Now it happened that Cholmley was bishop Hall's chaplain and intimate friend, and that the tenet he defended had been strongly upheld by Hall himself, otherwise a man from whom the divines or partizans of Rome had received no favour. It was nevertheless felt and said in the house,

\* From the MSS. at Port Eliot I take another letter, from a Mr. Oldisworth, dated Whitehall the 19th February, which shows the personal solicitations, received from day to day, to which one sees by his papers that Eliot was continually subjected: "NOBLE S<sup>r</sup>—I presum'd, yesterdaie (though somewhat unseasonable), to invite you to some trouble, and I "crave y<sup>r</sup> pardon for it this daie: w<sup>ch</sup> I hau no sooner done, but I am "readie to expose you to a second. For the wh<sup>ch</sup>, you must blame y<sup>r</sup> "gentleness towards me; or pardon me anew. The business which, then, "I gave you but a hint of, I have enlarg'd it to a Brief, and accompanied "that (as I conceive) with weightie reasons why the House sh<sup>d</sup> not enter- "taine it. When it comes to a second reading, please you to drawe some "of them upon it, or rather out of your better armourie, that it may not "be receav'd. And I shall with the like willingness serve you, if, happilie, "at anie time your occasions shall descende so lowe as to require the "furtherance of S<sup>r</sup>, y<sup>r</sup> willing friend and serv<sup>t</sup>, M. OLDISWORTH."

† Quarto, London, 1628. And see my *Grand Remonstrance*, 236 Under date of April 1629, in the MSS. of the S. P. O. will be found the articles exhibited against Burton in the high-commission for having written this book.

when Sir James Perrot stated that bishop Laud had licensed Cholmley and Butterfield and had refused his license to Burton,\* that the latter had received injustice: and the bishop, taking alarm at this, made instant appeal to Eliot.

They had seen each other some days before, on the occasion of Eliot's calling upon the bishop in Drury-lane on the business of the lease, when Hall had given him a tract of his own clearing his part in the controversy; and upon mention of the matter in the house he did not scruple at once to ask Eliot to throw over him, against further assailants, his powerful shield. The familiar letters of this celebrated man are too rare not to attract to this a special welcome; but it is also an important contribution to our knowledge of the esteem in which Eliot was held by so famous a writer and divine, and of that consciousness of the justice and fairness of his character which could alone have suggested such an appeal as this to a man leading the puritan opposition.

"S<sup>r</sup> W<sup>th</sup> MY BEST SERVICES,—In yo<sup>r</sup> kinde visitation of mee, the  
 "other day (for w<sup>ch</sup> I professe myselfe yo<sup>r</sup> true and thankfull debtor),  
 "I was bold to present y<sup>n</sup> w<sup>th</sup> a poore little pamphlet; w<sup>ch</sup> if you  
 "have had leasure to peruse, hath let you see what intolerable wrongs  
 "of scandalous aspersions have bene putt upon me, by some, whether  
 "ignorant or wilfull mis-takers. One Mr. Burton was the man, that  
 "in print first rayed these clamors against mee; labouring to possesse  
 "the world with an opinion, that I went about to help Popery over  
 "the stile, in that most innocent and true assertion of the true being  
 "and visibility of the Roman church. For the remedy of which  
 "scandall, I putt forth first a cleare advertisement, and then, after, this  
 "more cleare Reconciler; † wherewith, all ingenuous men that ever I  
 "have heard of, professe themselves fully satisfied. Only this Mr. Bur-  
 "ton, who, it seemes (*dolens dico*), loves the trouble of the Church no  
 "lesse than I do peace, will needs yet stirre the coales; and, as if I had  
 "said nothing for the appeasing of this unhappy strife, hath now

\* Sir James Perrot's speech is in Fuller's *Ephemeris*, 245.

† For these matters the reader may be referred to the ninth volume of the Oxford Edition of the Works of Bishop Hall (1837). He will find at p. 424-5 a "reconciler" in the matter of Cholmley and the controversy with Burton, which remarkably exemplifies Hall's prudent wisdom as well as the essential charity and sweetness of his nature.

"steale out a book of great length and much spight against the two  
 "abettors of that position, Mr. Cholmly and Mr. Butterfield, the one  
 "my chaplain, the other a stranger to me but of great parts and  
 "hopes; wh<sup>ch</sup> he dedicates boldly to the honorable Court of Parle-  
 "ment: therein suggesting very maliciously that Mr. Cholmly, and  
 "myselfe (to whom that book of Mr. Chol<sup>y</sup> is dedicated), have sure  
 "some plot in hand of reducing popery to England, or England to  
 "popery. Sr, I beseech you be sensible of this shamefull injury. For  
 "me, I think I have given sufficient ingagements to the world of my  
 "zealous defiance of Popery; and for Mr. Cholmly, I do *in verbo*  
 "*episcopii* professe of my intimate knowledge of him (from both our  
 "cradles) that he is as far from Popery as myselfe, or any Burton that  
 "beares an head. He is an honest, true-hearted, well-affected, and  
 "learned divine: onely his zeale to mee, and to that most just cause,  
 "hath carryed him into some vehemence against Mr. Burton's ill-  
 "handling of this businesse; as not abiding that we should oppose  
 "Popery out of false groundes, and affixe untruthes upon the worst  
 "adverfaries.

"I confesse Mr. Burton hath much advantage of the pretence; as  
 "seeming to have zeale on his side, and care to prevent the daunger  
 "of many foules. But let me boldly say, truth is on ours; neither can  
 "there be any daunger of the losse of one hayre of the head of any  
 "Chr<sup>an</sup> in this tenet, if it be rightly understood; but rather a strong  
 "advantage against the adverfary. But it is not my intent to enter  
 "into the merits of the cause in this letter. Let it suffice me to say,  
 "that there is no learned divine in Christendom who either will, or  
 "can, differ from my sense in this position; as it is lately confirmed to  
 "mee under the hands of two reverend and learned bishops, B. More-  
 "ton, and B. Davenant. Now, my occasiō of this trouble to you, is;  
 "an infermaciō w<sup>ch</sup> was given mee of some mention of this businesse  
 "in yo<sup>r</sup> honorable house; not w<sup>thout</sup> a motion of some farther  
 "question to be made of Mr. Cholmley: wherein, if any such thing  
 "be, let me desire yo<sup>r</sup> just favour. You know well what both charge,  
 "and trouble, and blemish are wont to follow a publique accusatory  
 "call to that awfull court; all w<sup>ch</sup> I would be loath to alight upon my  
 "old honest colleague. I beseech y<sup>u</sup>, if you perceive any danger here-  
 "of, besides giving mee the notice, that yo<sup>u</sup> will be pleased to speak  
 "with Mr. Speaker hereabouts: to whom, as myselfe, so Mr. Cholmly,  
 "hath bene anciently and well knowne. Craving pardon for this bold-  
 "nesse, and relying upon your noble favour herein, as a businesse  
 "w<sup>ch</sup> I do very tenderly affect, I take leave, and heartily professe  
 "myselfe your much devoted frend and servant, Jos. Exon. Drury  
 "Lane, Feb. 6, 1628(9)."\*

On the same day Eliot replied in the friendliest tone,

\* From the MSS. at Port Eliot.

but avoiding everything of the controverfy itself except its imputations against Hall's faith as a protestant. In the honour he had by his late admission to the bishop's presence, he says, it was no small part of the happiness he received from his hands to be presented with those lines, which, besides the known character of his worth, imported a vindication of the truth against all scandal and aspersions. "To me, I confesse, it had the same puritie before; and generallie, I believe, that apprehension was soe fixed as noe detraction could impeache itt. Yett if it be by anie sceptics questioned (of w<sup>ch</sup> I confesse I hearde nott), the satisfaction to the worlde is such that they must nowe swallowe the poison of their owne ignorance or malice." Either in that particular for the bishop himself, he added, or in the others for his friends, there had not up to that time been any overture to their house. But if there should be hereafter, he would so carefully attend to it that he hoped to give his lordship some testimony therein how much he was his devoted servant.\* He probably prevented its revival: for there was no mention of it on a subsequent discussion of Laud's proclamation, when the tone taken by himself and Selden was that no law existed in England to prevent the printing of any book; that there was only a decree in the star-chamber; and that it was therefore a great invasion on the liberty of the subject that a man should upon such authority be fined and imprisoned, and through seizure of his book have his goods taken from him. Selden would have introduced a bill to declare this if the session had continued.†

That was about the last of the debates devoted specially to religious grievances. And now, while Sir Richard Grosvenor prepares his report from the committee for religion of the proceedings of the house against popery, and the sub-committee for religion are

\* From the MSS. at Port Eliot: 6th Feb. 1628 (9).

† See Fuller's *Ephemeris*, 254.

drawing up their articles to be insisted on for future security,\* it behoves us to describe what further has been done in the matter of the merchants' complaints, and of the right peremptorily claimed by the commons that the people should be taxed by their representatives alone.

## VII. TONNAGE AND POUNDAGE.

Every day had increased the difficulty of coming to agreement in this matter. Secretary Cooke was instructed to press upon the house a bill for grant to the king during his life; but the house, objecting in point of privilege to any such bill not originating with themselves, steadily turned aside from consideration of it on other grounds. They never swerved from the tone they took at the first.† They would give for life what was asked, if time were granted them for equitable settlement of the rates; and they would vote meanwhile a temporary grant to protect his majesty from inconvenience: but in renewing these proposals they now made another condition, forced upon them by the occurrences of the recess. They required, before proceeding to the subject at all, satisfaction against further encouragement of Arminian heresies; and they insisted upon their right to punish the officers of customs, by whose seizure of the goods belonging to merchants, and to members of that house, their Petition of Right had been violated, and the privileges of their house invaded. By every conceivable artifice the king fought off from these requirements, and every hour widened the breach between him and the representatives of his people.

Eliot was appointed chairman of the committee for examination of the merchants' complaints;‡ and his

\* For these remarkable documents, which will reward attentive perusal, see *Parl. Hist.* viii. 294-8, and 319-326.

† See *ante*, 320-22.

‡ *Commons Journal*, i. 925.



papers remain to show that he gave unwearying labour and patient care to it. In every debate he took part; and the answer given to the king's second message, four days after the speech in the banqueting-hall, proceeded from him. It stated that though they were resolved to give his majesty all expedition in his service, they thought fit to show him first in what peril as to matters of higher import the kingdom stood; and as to tonnage and poundage, that it was their own gift and could only arise from themselves. Hereupon Cooke was sent down to explain that if he had seemed to press the bill in his majesty's name or by his command, that was not his intention; but only that it much concerned his majesty, who also much desired it; and further, for what they proposed about religion, that his majesty would not stop his ears on that subject if they observed the proprieties in form and matter. "Whereupon Sir John Eliot stood up and said"—what one finds to be much to the purpose, though highly exasperating to the ministers.

"Mr. Speaker, I confess, this hath given great satisfaction for present desires and future hopes; and howsoever I find the misinterpretation of some, and the danger of religion, yet I find his majesty's ears open, and if these things be thus as we see, I infer that he is not rightly counselled. I am confident we shall render his majesty an account of what he expecteth. But, sir, I apprehend a difference between his majesty's expression, and those of his ministers. Sir, that bill was here tendered in his majesty's name, and now we find his majesty disavows it, and that he did it not. What wrong is thus done to his majesty and to this house, to press things in his sovereign's name, to the prejudice and distraction of us all! I think him not worthy to sit in this house."\*

Mr. Speaker was quite alarmed by this attack on "that honourable person;" but as he had continued throughout this session, as during the last, to be far more the king's than the house's servant, the haste with which he rushed to Mr. Secretary's rescue produced no effect. Indeed, the house appears to have enjoyed the consternation of the

\* From Crewe's collections. *Parl. Hist.* viii. 278; and see Fuller, 242.

councillors at this sudden and well-directed blow. Mr. Secretary had again to explain, but he made his case nothing clearer. Quite as vainly Sir Humphrey May protested that the ministers who sat there would be discouraged, and have their mouths altogether stopped, if honourable gentlemen were so quick to except against them. Sir John was truly of the same opinion as before, and the house cried out that it was well spoken.

A few days later Eliot reported from the committee of which he was chairman, that the sheriff of London, Mr. Acton, had prevaricated in his evidence as to the recent arrests and seizures, and been guilty of contempt by the scornful way in which he bore himself. Hereat some members interposed, for that "being so great an officer in "so great a city" he should have another trial before treating him as a delinquent: but the circumstance urged for him was held to tell against him, and it was to no effect that Mr. Goodwin pleaded Mr. Acton's readiness *now* to confess his error; that the secretary and the chancellor of the duchy fought hard for him; and that even the popular members for the city, including Eliot's friend captain Waller, put in a good word for him. Eliot's motion was carried, and he was brought to the bar on his knees. He spoke submissively, but avoided a confession of fault; and on suggestion made for his punishment, it was taken up so strongly by Selden, Long, Kyrton, and Littleton, that he was again called to the bar, and kneeling received order to be sent to the Tower.\*

Then the temper with which the king was viewing

\* "I remember," said Selden, "when this house committed both the sheriffs of London to the Tower for an abuse of less nature, though they did acknowledge their faults at the bar which this man hath not yet done." "I came into this house," said Kyrton, "with as good a heart to this man as any man; for I was spoken to stand for him as I came in. I promised to do what favour I could; but if he were my brother he should go to the Tower." "We are becoming but a mere scarecrow," said Littleton, "and the neglect of our duty is the cause." Mr. Sheriff was only released upon very formal submission and apology after two days' imprisonment.

these incidents received characteristic illustration. Mr. Rolle went down to the house and said that since the last complaint of the breach of their liberties, his warehouse had been locked up by one of the king's pursuivants, and he had the day before been served with a subpoena to appear in the star-chamber. It was an incident very ill-timed, the day following having been procured to be set apart by the ministers for a formal discussion of the tonnage and poundage bill. Heath said at first it was a mistake, but it was proved that it was done by his direction. Three of the principal farmers of customs, Sir John Wolstenholme,\* Mr. Dawes, and Mr. Carmarthen, who had been some time in attendance, had just before been ordered to be brought to the bar at the close of the week: but Eliot now produced before the house the injunction of the court of exchequer refusing the merchants' writs of replevin; handed in along with it a statement elicited by his committee from the three "customers" summoned to the bar, that the seizures had been made for tonnage and poundage, and for those dues alone; and having described and delivered these, begged the house to observe that it was not by the customers only the merchants were kept from their goods, but "by pretended justice in a court of justice, the exchequer;" which he conceived might probably be reformed, and the merchants come suddenly again by their goods, "if the judges of the court had their understandings enlightened of their error by this house." A message was thereupon drawn up, reciting the statement of the customers, and requiring the exchequer court to cancel their judgment. To come to close quarters with those customs' farmers was to come into personal collision with the king; and though Eliot was prepared for it when necessary, he had desired evidently first to exhaust the constitutional modes of redress.

These were the circumstances in which, on Thursday

\* He is by mistake called "Mr. Worsman" in *Parl. Hist.* viii. 287.

of February, the house found itself once more on the tonnage and poundage bill. The time made up his mind to the issue he ministers had been instructed to play and threatened not distant a breach by the treasurer of the household, the or of the duchy, spoke in favour of the exchequer court would proceed on strictly just grounds, but monstrous that a few merchants should disturb the government of the state; phrey May said he thus spoke his opinion *new not whether he should have liberty to speak, to hear, any more.* The threat passed without effect; but as to the "few," the small number said to be directed, Waller, who had handed in a city petition that day from many additional complainants, declared that "it is not so few as five hundred merchants who are threatened in this." \* To the challenge of the ministers, reply was peremptorily given by refusal to consider the bill until justice was done. Coryton conceived it fit the merchants should have their goods before they could think of the bill. Strode would have put it in that form to the vote. Philips and Selden were for passing immediately to another subject. Littleton went so far as to pledge himself that there was no lawyer so ignorant to conceive, and no judge of the land who would affirm, that the point of right was not against giving to the king or going on with the bill. And, in a most remarkable speech, † Noye gave it as his opinion that *until they were in possession they could not give.* Until, he said, the

\* The author of the declaration issued afterwards in the king's name had the effrontery to repeat this statement more offensively; saying that it was only a few merchants, "at first but one or two," who complained; but that the matter "was fomented as it is well known by those evil spirits that hatched the undutiful Remonstrance." *Parl. Hist.* viii. 341.

† My version of this very noteworthy speech is after careful collation of the reports in Crewe, Fuller, and Rushworth. The distinction between "a gift and a confirmation" is in the latter only (i. 654).

proceedings in the exchequer were nullified, until the informations in the star-chamber were withdrawn, until the annexations and explanations of the Petition were disavowed, they were in no position to grant. They could only confirm. And he would not give his voice to any part of that bill unless declaration were made therein that the king had no right but their free gift. "If," he concluded, "it will not be accepted as it is fit for us to give it, we cannot help it. If it be the king's already, as by their new records it seemeth to be, we need not give it." This was conclusive and unanswerable.

From that point it became soon, and of necessity, a sharp personal struggle between the commons and the king. Two days later, Saturday the 14th of February, the court of exchequer handed in their answer, the lord-treasurer's name heading those of the barons; in which they disclaimed any adjudication as to tonnage and poundage; left to their legal remedy any parties who might on that ground be entitled; and declared that they had refused the writs of replevin as "no lawful course of action in the king's cause, nor agreeable to his prerogative." In other words, they implicitly carried out the king's instructions in his speech at the prorogation; saved the sovereign power; and practically repealed the Petition of Right. The king lost no time in following up the advantage given him; and on the following Tuesday, Chambers presented through Eliot another petition complaining of a fresh seizure the preceding day. "You see," said Eliot, "by this proceeding and the answer from the exchequer, that the merchants, who can only be heard in that court to sue for their own, are now debarred, by the court, of all means of coming at their own."\* It was a hard case certainly.

But the commons showed no signs of flinching or retreating. Order was reissued that the customers should

\* *Parl. Hist.* viii. 308. The answer of the court of exchequer is at p. 301-2.

attend at the bar on Thursday the 19th of February. From time to time the house had deferred this, desiring to avoid such direct collision; inasmuch that the king charged them afterwards with having compelled his officers of customs to wait upon them, day after day, for a month together; but now the crisis was come.

On that morning of the 19th two of the customs' farmers, Dawes and Carmarthen, answered at the bar the questions put to them, and brought on a stormy debate. Dawes admitted he had taken Rolle's goods, knowing him to be a member of the house, by virtue of a commission under the great seal and other warrants now in the hands of Sir John Eliot. He further said that he had seized those goods for dues of tonnage and poundage, and confessed that the king had sent for him on the preceding day and commanded him to make no other answer. The other customer, Carmarthen, made the same admission; and confessed that the words used, upon Mr. Rolle claiming privilege as a member of the house, that he should not have it if he were all the body of the house, were uttered by him. Much excitement followed. Mr. Speaker would have prevented if possible a continuance of the debate, but quite vainly he attempted it. Wentworth's old friend Wandesforde, and others now disposed to favour the court, as vainly endeavoured to assuage the swelling indignation. Selden himself, ordinarily calm and moderate, flung aside all controul. "If there be any near the king," he said, "that misinterpret our actions, let the curse light on them, and not on us! I believe it is high time to right ourselves, and until we be vindicated in this it will be in vain for us to sit here." Higher still rose the voice of Eliot. "The heart-blood of the liberty of the commonwealth receiveth its life from the privilege of this house: and that privilege, together with the liberties of the subjects of the realm, the council and judges and

“ officers of his majesty have conspired to trample under their feet ! ” \*

The next day the house sat in committee “ for the more freedom ” to check Mr. Speaker’s interferences : and Sir John Wolstenholme having handed in, after his examination, the king’s warrant ordering him to receive, levy, and collect the dues of tonnage and poundage precisely as if the same had been granted by parliament, and directing the lords of the council to imprison all refusers ; and having formally claimed, under that warrant, exemption from punishment by the house ; the rest of the day was passed in discussion of whether the customers *could* be made responsible without relation to such direct command or commission from the king, and whether privilege in such case would extend to a member’s goods as well as his person. Eliot was for the affirmative in both ; so were Selden and Noye ; and though Hakewell had doubted as to the privilege in time of prorogation, he became convinced by Noye’s argument : but ultimately, out of tenderness to handle so direct an issue, advantage was taken of the circumstance that though the warrant empowered the customers to “ receive, levy, and collect,” it gave no commission to “ seize ; ” and order for proceeding on that ground being made, the customers were summoned to attend the next sitting. Eliot asked if the house would not have proceeded, though the warrant contained those words ; but he was overruled, and, as the result showed, very needlessly as well as unwisely.†

\* *Parl. Hist.* viii. 210–11, and *Fuller*, 263. So confused and unreliable (without the nicest discrimination and care) are all the accounts preserved of this session that even Rushworth, misled by the passionate speeches spoken in this debate, has transferred to it also a portion of the proceedings which belong to the second of March. See *Memorials*, i. 660. It was not until the latter day that the speeches of Eliot and Selden, there misplaced, were delivered ; and it is proof of what I have already intimated as to the frequent and commonplace interpolation of Whitelocke’s *Memorials* (*ante*, 48) that the same mistake is there repeated (i. 34).

† See *Parl. Hist.* viii. 313–317. But the account is very confused and has manifest inaccuracies. So with *Fuller* (264–267) not less.

That debate was on a Saturday ; and whether its result inspired hope in the king that by promptly taking all upon himself he might win the victory, cannot now be known : but on the next day, though a Sunday, a full council was held ; order was entered by his majesty's own direction, that what the customers had done was done entirely by his command and authority ; and with this Sir John Cooke was sent down to the house next day.

It was listened to with interruptions of " adjourn ! " " adjourn ! " which at last subsided into a fullen silence. Cooke then declared that he had laid it before them by special command from his master, who desired not to have the seizures divided from his own act, and who thought it concerned him both in justice and honour to tell them the truth. Then there followed some mysterious hints about breaches of parliaments ; and Sir Humphrey May put the case of a wound to be dealt with (" for they " might all agree that a wound had been given ), and whether oil or wine were not better to apply than vinegar ; and would it not be best to come to accommodation, so as, by passing the dues claimed, to obtain restitution ; for most assuredly, if they went about to punish delinquency, there would be vinegar in the wound. On this Eliot answered him—

" The question, Sir, is, whether we shall first go to the restitution, or " to the point of delinquency. Some now raise up difficulties, in opposition to the point of delinquency, and talk of breach of parliaments. " And other fears I meet with, both in this and elsewhere. Take heed " you fall not on a rock. I am confident to avoid this would be somewhat difficult, were it not for the goodness and justice of the king. " But let us do that which is just, and his goodness will be so clear that " we need not mistrust. Let those terrors that are threatened us, light " on them that make them ! Why should we fear the justice of a king " when we do that which is just ? Let there be no more memory or " fear of breaches ; and let us now go to the delinquency of those men. " That is the only way to procure satisfaction."

It was brave and manly advice ; \* but the house

\* Among the MSS. of the S. P. O. there is, under date immediately after this discussion, a remonstrance from a privy councillor on the conduct



hesitated still. "The command of his majesty is great," it was urged; and ultimately—cries of "adjourn!" "adjourn!" having broken out again—a two days' adjournment was ordered, for deliberation on what should be done. The king meanwhile was no longer deliberating, but preparing for decisive action. On the morning of Wednesday the 25th the house again met, and agreement as to the farmers of customs had not been arrived at; but Pym submitted the various articles against Arminianism drawn up for presentation to the king. They had been but partially read when a message came from his majesty. The house was to adjourn from that day to the following Monday the second of March. No one any longer doubted that a dissolution was preparing. Were the members to consent, then, so to be dispersed, and to leave without result or record the momentous issues they had raised?

For reply to that question there are only three days given, and its decision on the second of March will determine also Eliot's fate. But I pause on the threshold of that terrible day to show the temper and tone he has held to his friends during the agitating scenes now passed: how some have been missed by him who should have given their help; and one who had been his brother in captivity and danger was to fall from his side under court temptation.

Mention has already been made of the regard existing between Eliot and the family of Sir John Corbet, one

of certain members of the house of commons who had sought to "render the officers of the customs criminals for executing the king's commandment;" and this it was, he added, that made the king think himself "unkindly dealt with." Nothing however is so clear as that this principle of responsibility was grounded in the old English law, and that it has been by working it out completely, and carrying it into every department, we have become the nation that we are. It is moreover solely because foreign peoples do not seem to understand its value that all their efforts fall short of freedom. The idea of an agent of the laws being made responsible against even an order from his superiors, is to this day a thing almost if not quite incomprehensible on the continent of Europe.

of the five knights who sued their habeas against the loan, and at present member for Yarmouth. Illness had kept him in Norfolk since the reassembling: but his daughter has written to the member for Cornwall with a family present for himself and some common friends at Westminster; has reminded him of an unfulfilled promise to visit them in Norfolk; and has asked for news of the parliament. To this letter he replied on the 11th of February, the day when Mr. Cromwell made his first speech. Addressing her as "sweet Mrs. Corbet," he tells her that if his ill-fortunes, alluding still to his family sorrow, could admit of happiness, her letters would impart it, which showed so much favour to one unworthy of that honour. His obligation to her recollection of him, and to her virtues, was great indeed; and he had nothing to answer it but the acknowledgement of his debt.

• "For that I had an expectation, latelic, of some oportunitie to have  
"given it you in Norfolk; but the season then prevented me. And  
"now (tho' I confesse I have it most in my desires) the necessitie of  
"that service to which I am engaged does soe far master mee, that I  
"cannot, without a prejudice to that opinion you allow mee,\* presume  
"upon any minute to that end until this convention be determined.  
"Of which, if it effect anything fitt for y<sup>r</sup> intelligence, I shall be  
"then gladd to give you the narrative. Our labours are yett fruitlesse  
"and hard; and ther is little promise in the entrance. Our expecta-  
"tion is greater than the hope. And yet there is that can exceed both,  
"in the successe. Your praiers herein will be noe small advantage;  
"w<sup>ch</sup>, as I am confident wee have, I must still begg; and, in everie  
"prosperitie that happens, I shall think *that* has been the occasion!  
"The gentlemen here whom you were pleas'd to remember, represent  
"with me all their best services to you. We all return you thankses  
"for y<sup>r</sup> kind present. And from me, I beseeche you, accept this poor  
"assurance, w<sup>ch</sup> shall ever binde me to be y<sup>r</sup> most faithfull servant,  
"J. E."†

In a letter dated four days later, Bevil Grenville wrote to him from Stowe. Eliot had been pressing for his preface, which at such a time he could ill spare; and

\* The opinion she has formed, that is, of his public services.

† From the MSS. at Port Eliot. Dated 11th February 1628 [9].

now he fends such apology as he can, and asks a favour which will tell us something of the privileges of parliament men in those days. He begins by hoping he shall not undergo, in the merciful court of Eliot's judgment, a harder censure for his so long constrained absence and neglect of duty in his attendance at the parliament than in his own thoughts he inflicts on himself. "None  
" can acknowledge his fault more, nor shall blame me  
" so much for it as I doe myselfe. This is enough, to  
" so noble a friend; and my occasions have not been  
" ordinary." He then humbly beseeches Eliot to procure the Speaker's letter for him to the judges of their western circuit, to stop a trial for the coming assizes that concerned some land of his, because he cannot himself attend it; and to deliver the letter to Kit Osmond, who would attend Eliot for it. He thinks this an ordinary courtesy to be granted by the Speaker to a member of the house: but if his friend should please to procure it, he would much oblige one that had vowed himself to be his faithful servant and brother.

Eliot's reply bears date on the 25th of February, when the sitting had suddenly broken up at the king's message; but beyond special expressions of anxiety, and personal unhappiness at having missed Grenville's service, on which he lays much stress, he says nothing of the crisis in which they stand. It would not have been safe.

" S<sup>r</sup>, Had not the daillie expectation of your coming upp prevented  
" me, I had long ere this given you some sense of the unhappiness I  
" conceive in that distance now between us. For as y<sup>r</sup> assistance in the  
" parliam<sup>t</sup> is some cause why I desire y<sup>r</sup> presence, soe particular reasons  
" doe enforce it, as the object of my affection. In your businessse, I  
" knowe not what answer to returne, to give you satisfaction. Y<sup>r</sup>  
" instructions are soe shorte; though they give me the scope of y<sup>r</sup> re-  
" quest for the stopping of a triall, yet they have no mention of the  
" parties in whose names it is to be; nor of the countie where the  
" scene is laid. Soe as I must confesse (though I presum'd to move it in  
" the generall, and had it ordered by the House a mandate should be  
" granted) it exceeded both my knowledge and experience, and all the

"abilities of the Speaker, how it might be drawne. Mr. Osmond was  
"gone before I receav'd the letter. And I can by noe diligence inquire  
"by whom to be informed; soe as I must on this occasion render you  
"onlie my good meaninge for a service. Yet thus much, by another  
"waie, to satisfie you. If you please, by your own letter at the  
"assizes, or by a motion of your counsell, to intimate y<sup>r</sup> privilege of  
"parliamt, it will have the same operation w<sup>th</sup> the other, and noe judge  
"will once denie it. I receav'd this daie a letter from Mr. Treffrey,  
"importuning his old suit; which yet I have not had opportunitie to  
"move; nor see much time (though my own life were in the balance)  
"to solicit it. When you send to him, I praie give him this excuse,  
"w<sup>th</sup> the remembrance of my service; and give him the assurance,  
"that what his own judgment would allowe him were he serving in  
"my place, the same respect by me shall be given to this care. And  
"when I maie effect anie thing worthie his expectation, hee shall have  
"a just account. And soe, craving y<sup>r</sup> pardon in other things, w<sup>th</sup> the  
"representation of my service to my sifter, kissing y<sup>r</sup> handes, I reite y<sup>r</sup>  
"affectionate servante,  
J. E."\*

"My sifter" was the lady Grace, mother of Eliot's godchild. "Brother" and "sifter" were not uncommon expressions of friendly endearment then, where no relationship existed; and early on the very day when that letter was written, an old associate of Eliot's was addressing him as "Deare Brör," doubtless for the last time. This was no other than Sir Dudley Digges, his fellow prisoner in the Tower something less than three years ago. Sir Dudley had not spoken since the houses reassembled, and not many days before this letter had secretly accepted the reversion of the mastership of the rolls. In himself the court had no great gain, but through him Littleton and Noye were shortly afterwards carried over. He was nevertheless a kindly well-disposed man; and his first thought, upon the sudden serious look which affairs suddenly assumed on that Wednesday morning, had been for his old associate, whom he would fain have saved from the repetition of such danger as they once had incurred and escaped together. Writing hastily, "this Wednesday, earlie," he sends Eliot his best

\* From the MSS. at Port Eliot. Dated "Westm<sup>r</sup> 25 February 1628 [9]."

wishes, speaks of some private matters between themselves and Kyrton, and then comes to the pith of what he has to say. "For the publick busines, however our waies may seeme to differ, our ends agree; and I am not out of hope to see a happy issue one daie. If, this daie, anie cast stones or dirt at my friende, let me praie you to preserve y<sup>r</sup>selfe, cleer, a looker-on; w<sup>ch</sup>, credit me, if my weaknes be worth y<sup>r</sup> crediting, will both advantage you, and much content him that is trulie and faithfullie y<sup>r</sup> servant,

"DUDLEY DIGGES." \*

It was to ask what was impossible. No man would have dreamt or dared to suggest retreat or flight to Eliot, and for anything else it was too late. Perhaps he smiled at the friendly advice that would have made *him* a "looker-on." An easy part to the indifferent or dishonest, but in all times the most difficult to the high-minded, earnest, and true. A far different part was that which Eliot had now in hand, and by which the next meeting of the commons' house of parliament was to be made memorable for ever.

### VIII. THE SCENE OF THE SECOND OF MARCH.

The members of the house charged by the king with having contrived beforehand the extraordinary scene to be enacted this day, were Sir John Eliot, whom he described as the ringleader, Denzil Holles, Benjamin Valentine, Walter Long, William Coryton, William Strode, John Selden, Sir Miles Hobart, and Sir Peter Hayman. Holles was Lord Clare's son, brother-in-law to Wentworth, and serjeant Ashley's son-in-law; and though never famous as a speaker or statesman, he occupied a place in the popular councils to which great social position, considerable energy of character, and the power that arises from warm sympathies and resentments fairly

\* From the MSS. at Port Eliot.

entitled him. Sir Miles Hobart, who sat for Great Marlow, was a young gentleman with decisive puritan leanings but not in any way otherwise remarkable, whom the sudden tumult of the scene, and some admiration doubtless for its leading actors, drew within the vortex of excitement and danger. The rest have already more or less made appearance in these pages.

Plot or conspiracy there was none.\* That any such had brought about the scene which befell, was but a coinage of the brain of Mr. Attorney. Only that natural amount of concert there had been during the four previous days, which Eliot's letters and papers have shown us to be usual in parliamentary session between himself and the few who had really his confidence. There were not many such here. Out of those named, it is in no degree likely that Eliot would have taken special counsel with more than Holles and Selden; though it is not unlikely, on what they proposed being settled, that Coryton, Valentine, Long, and Strode,† would promptly be informed of it.

\* During the subsequent legal proceedings, Selden, while denying in his answer almost everything alleged in the king's charge, claimed at the same time a right for members of the house to confer and settle as to any course they meant to take, before such course was taken, without exposing themselves to be called conspirators. "He conceives it is lawful for any members freely to join together and agree in preparing to deliver any matter either by speech or writing; and that they have free liberty to consult, advise, and agree together; and that such ought not to be called or named a confederacy." Selden's demurrer to Heath's information: Harleian MSS. 2217.

† It will be right I should here state that upon further consideration of all the circumstances I think the identity of this Strode with him of the long parliament, on which I had thrown some historic doubts in my *Historical and Biographical Essays*, and subsequently in the *Arrest of the Five Members*, must be admitted. In the second edition of my *Grand Remonstrance*, published in 1860, I thought myself "bound frankly to say that the counter testimony in favour of identity, though far from decisive, is stronger than I supposed" (p. 187). After the appearance of the book in which that admission, the result of my own further enquiry, was made, a paper on "the identity of William Strode" was published by Mr. Sanford; and though I then continued still to entertain some doubts, subsequent examination leads me now to believe that Mr. Sanford is right. In the doubts raised, however, some curious historical particulars are involved that may remain matter for discussion.

What it involved was indeed no matter for conspiracy. It was merely an act of duty. To their constituents they owed it not to separate until a declaration as to tonnage and poundage already drawn up by the committee of which Eliot was chairman, and stating the grounds whereon those dues had been temporarily withheld, had been adopted by the house; and until resolutions had been passed such as would formally put on record the result of the debates of the session both on that question and the matter of religion. This was the determination. Nothing could be more simple or justifiable. Knowing they were to be dispersed, they resolved to leave behind them some fruit from their labour. The whole plot was this. What afterwards arose not necessarily incident to it, bore indeed some resemblance to a conspiracy; but the commons were not the conspirators. The king had given secret orders to Speaker Finch, and it was to the unexpected betrayal of his office by that unworthy person that all the consequences were due.

One part only of the king's charge was strictly correct. Eliot undoubtedly was the "ringleader." As it was not expected there would be time for debate, Sir John was to do all the speaking; and having reason from former experience to doubt whether even time might be allowed to read the tonnage and poundage declaration, he had prepared a shorter protest\* embodying the substance of it, and had drawn up three resolutions in a form to be immediately voted. The originals of these, and of the protest, I have found among his papers; and they enable me to clear up discrepancies pervading hitherto every narrative of the incidents of this memorable day.† With these, on

\* See what he says in his Memoir (*ante* i. 441-2) of the circumstances that formerly led to the substitution, for a proposed more important declaration, of the short protest prepared by Glanville.

† The principal confusion has arisen from three questionable points: 1. The time when Eliot delivered his speech; 2. What it was he subsequently spoke or read from a paper in his hand; 3. And in what way the resolutions put to the vote by Holles came to assume that shape. As to

the morning of the second of March, Eliot entered the house of commons for the last time.

It was observed afterwards by the privy councillors, in proof of a pre-arrangement of the scene, that Holles on entering walked up straight to the right of the Speaker's chair, a place above that of the council and in which he was unaccustomed to sit; and that Valentine at the same time took his seat silently on Mr. Speaker's left. But it is more than probable that a reason for this had suggested itself as they entered, on seeing everything prepared for immediate adjournment. Of their Speaker's cowardice and servility, though ignorant of the orders on which to-day he was to act, they knew too much by the experience of two sessions to render it in any degree strange in them to have taken, on the instant, precautions to keep him to his duty. Subsequently they said, that, knowing Sir John Eliot's intention to speak, they went to urge Sir John Finch not to prevent that intention by quitting the chair. To hold him down was no part of their design in at that time placing themselves near him. They desired only to have the means of representing to him the danger of disobeying the house. And Holles said truly that the place he had so taken he had before fre-

No. 3, the account given by the attorney general in his star-chamber information (otherwise filled with statements monstrously incorrect) says plausibly: "The said D. Holles collected into several heads what the said Sir J. Eliot had before delivered out of that paper." The Port Eliot MSS. prove however that the resolutions had been drawn up before the sitting, and probably at the same time as the protest. But the most important point they establish is, as to No. 2, that besides the Tonnage and Poundage remonstrance (*Parl. Hist.* viii. 327-30) which undoubtedly was what the Speaker refused to put to the vote, there was a briefer protest embodying its declaratory part, which was delivered afterwards *vivâ voce* by Eliot himself. And No. 1 seems to be settled as decisively. It is clear from these papers, as indeed from all the more trustworthy MS. narratives (including Lord Verulam's, published by Mr. Bruce) that Eliot's speech was delivered not after, but before, the remonstrance was pressed to the vote and the greatest violence prevailed. Not the slightest foundation exists for what Heath says in his indictment, that the speech prepared beforehand was what was flung by Eliot upon the floor of the house, and afterwards recovered by him and read.



quently occupied, being entitled to it as an earl's son.\*

As soon as prayers were ended and the members seated, Eliot rose; when at the same moment the Speaker stood up in his chair, and said he had the king's command for adjournment until the morrow-evening, the tenth of March. Eliot nevertheless persisting, the cry became general that he should proceed: several interposing to say that it was not a Speaker's office to deliver any such command; that to themselves alone it properly belonged to direct an adjournment; and that, after some things were uttered they thought fit to be spoken of, they would satisfy his majesty. Again upon this Eliot rose; but then the Speaker, stating that he had the king's express command to quit the house after delivering his message, made a movement to leave the chair; when at once Denzil Holles and Valentine laid hold of his arm on either side and pressed him down. The action was sudden; Finch, taken by surprise, appears to have doubted for the moment what to do; and in that instant Eliot had begun to speak.† This for the time was decisive, the whole house inclining to hear. Then was tested and proved that indefinable power which acts like a spell upon everyone within reach of its influence. The voice that in the end was to let loose the storm, for the time seemed to deaden and assuage it. Some through curiosity at first, many more through a higher interest, listened silently; and the moment passed when interruption was possible. Without either "Sir" or "Mr. Speaker" he began, and to the close he spoke without

\* *Parl. Hist.* viii. 354. "He at some other times, as well as then, seated himself in that place."

† The account in the Parliamentary Histories is that "immediately after prayers were ended, and the house set, Sir John Eliot stood up and spoke." But the account in the text, borne out by the Eliot papers, is strictly that which Lord Verulam's MS. gives (*Archæologia*, 38). In other respects that MS. is not important, though it corrects a misprint of "kinsman" for "Kentishman" in Sir Peter Hayman's speech. The speech of Strode, which it contains, is given in the same words in Heath's information.

other hindrance than the growing and gathering excitement of his listeners.

“ The miserable condition we are in, both in matter of religion and of policy, makes me look with a tender eye on both the king and the subject. You know how our religion is attempted ; how Arminianism like a secret pioneer undermines it, and how Popery like a strong enemy comes on ! That particular of the Jesuits concerning their plantation, their new college, here amongst us ; the other things incident to that which our late disquisitions have laid open ; are such a demonstration and evidence, and so manifestly in a short view show the power and boldness of that faction, that not to see the danger we are in, were not to know the being that we have. Not to confess, and not to endeavour to prevent it, were to be conscious and partners of the crime. It were so to be partners of the evil as would conclude ourselves guilty ; guilty of the breach and violation of all duty, our duty towards God, our duty to the king, our duty to our country.

“ Nor is this danger only in those men who are so active of themselves, and so industrious to evil, that I think no sound man will judge that they portend to be, or can be, instruments of our God. Those men, I mean, whose virtues are so widely known that they have been banished from almost all states else in Christendom, and have come for sanctuary here to us ! Those *Jesuits*, I say, are not the whole cause of the danger we are in ; which yet were not little, depending merely upon them ! It is enlarged by the concurrence of their fautors, of their patrons, by whose countenance and means they were introduced. I speak of the men who now possess amongst us the power and superintendency of law, and who dare to check the magistrates in the execution of all justice. From these men comes likewise another line of danger, pointing at the very centre of our hopes, our religion, our existence.

“ To them I look as to the streams from whence flow  
“ the causes of our sufferings here. They are the  
“ authors of our interruptions in this place. Their  
“ guilt and fear of punishment have cast us on the  
“ rocks where now we are. They have no confidence  
“ or security in themselves but what they draw from  
“ our trouble and disturbance. There are amongst them  
“ some prelates of the church, such as in all ages have  
“ been ready for innovation and disturbance, though (I  
“ fear) at this time more than any. The bishop of  
“ Winchester and his fellows are among them, and they  
“ confirm it. It is too apparent what they have done,  
“ and what practices they have used to cast an aspersions  
“ on the king, to draw *his* piety into question, and to  
“ give the world jealousy of *that* !

“ I denounce them as enemies to his majesty. All  
“ who in like guilt and conscience of themselves do join  
“ their force with that bishop and the rest to draw his  
“ majesty into jealousy of the parliament, I declare to be  
“ his enemies ; and amongst them I shall not shrink to  
“ name the great lord treasurer, and to say that I fear in  
“ his person is contracted the very root and principle of  
“ these evils. I find him building upon the old grounds  
“ and foundations which were laid by the Duke of  
“ Buckingham, his great master. His counsels, I am  
“ doubtful, begat the sad issue of the last session ; and  
“ from this cause that unhappy conclusion was con-  
“ tracted.

“ But for preparation to his reward, this note let me  
“ give him by the way. Whoever have occasioned  
“ these public breaches in parliaments for their private  
“ interests and respects, the felicity has not lasted to  
“ a perpetuity of that power. *None have gone about to*  
“ *break parliaments but in the end parliaments have*  
“ *broken them* ! The examples of all ages confirm it.  
“ The fates in that hold correspondence with justice.  
“ No man was ever blasted in this house but a curse fell  
“ upon him !

“ I return to the consideration of our dangers. I deduce not the cause from the affections only of that lord, whereof there is so large an indication. His relations likewise express it, his acts and operations in their course. Does he not strive to make himself, and already is he not become, the head of all the papists? Have not their priests and jesuits daily intercourse with him? I doubt not but a few days will discover it even in its secrets, and what plots and machinations have been laid. The proof I am confident will be such as to fix it indubitably upon him. And then it will more plainly be seen by what influence and powers are caused our dangers in religion!

“ In policy, wherein like fear is apprehended, the demonstration is as easy. I can but touch it now in respect of the straightness we are in. In that great question of tonnage and poundage, the interest which is pretended for the king is but the interest of that person, the lord treasurer. It is used by him as an engine for the removing of our trade, and if it be allowed it cannot but subvert the government and kingdom. It was a counsel long since given against us by Hospitalis, chancellor to Charles the Ninth of France, that the way to debilitate this state, the way to weaken and infirm it and so to make it fit for conquest and invasion, was not by open attempt, not by outward strength to force it, but first to impeach our trade, to hinder or divert it, to stop it in our hands or to turn it into others, and so lay waste our walls! those wooden walls, our ships, that both fortify and enrich us! That counsel is now in practice. That intention is brought to act. Though yet it be shadowed by disguise, and now stands masked before us, I doubt not but a few days will open and discover it. The purpose then will be plain, that in this work is meant our ruin and destruction. To that end already strangers are invited to drive our trade; or at

“least, which will be equally as dangerous, our merchants  
“are to be driven to trade in strangers’ bottoms.

“It is this design so ignorantly conceived, it is the guilt  
“thereof, that imprints a fear upon this great lord’s con-  
“science, and makes him misinterpret our proceedings  
“and misrepresent them to his majesty. And therefore  
“is it fit for us, as true Englishmen, in discharge of our  
“own duties in this case, to show the affection that we  
“have to the honour and safety of our sovereign, to  
“show our affection to religion, and to the rights and  
“interests of the subject. It befits us to declare our  
“purpose to maintain them, and our resolution to live  
“and die in their defence. That so, like our fathers,  
“we may preserve ourselves as freemen, and by that  
“freedom keep ability for the supply and support of his  
“majesty when our services may be needful. To which  
“end this paper which I hold was conceived, and has  
“this scope and meaning.”\*

The paper which he held was the Declaration drawn up by the committee of trade. He advanced with it to the table, but the Speaker refused to receive it. He desired it to be read by the clerk. The clerk also refused.† The excitement, raised to extraordinary height

\* From the MSS. at Port Eliot. This speech has never before been printed with anything like the same fullness and precision.

† The Clerk shared with the Speaker the disgrace of the day, and showed himself equally deserving of the praise of Bagg. As early as the opening of the first session that worthy had written to the Duke of Buckingham to single out the two men who would, if properly handled, be of the greatest service to his majesty’s designs in the House. It is curious to read the passage now, and observe how correct it proved. No where, as with rogues, are the instincts of fellowship so sure! “My good friend Sir John Finch must not insinuate w<sup>th</sup> the house, he must endure theire frownes, and hazard his credit w<sup>th</sup> them for his ma<sup>tie</sup>’s service. Wright the cleark<sup>e</sup> of parliament, of all men sithens my being of that house, hath done most service to his ma<sup>tie</sup>, and it is much in his power to doe good: he is either to be made serviceable by faire or enforced by violent wayes to doe his duetie. Conferre w<sup>th</sup> some of yo<sup>r</sup> servants about him, he is the most useful<sup>e</sup> man of the house.” MS. S. P. O. 17th March 1627-8. Of Wright’s rascality one of his majesty’s servants received afterwards convincing proof: Sir Thomas Edmundes having lett 2000*l.* in his hands on going ambassador

by what had fallen from Eliot, was now on the point of breaking into violence. Twice the Speaker was asked, in a rush of voices, whether he would not put the Declaration to a vote; and twice, with weeping protestation that the king had otherwise commanded him, he refused. Selden then addressed him: told him they must sit still, and do nothing, if he would not put the question *they* commanded: that if his refusal were admitted, they who came after him might also plead the king's command: that his majesty had wholly divested himself of such authority, when, by order under the great seal, he directed parliament to meet; and afterwards in solemn state received him as their Speaker; "and do you "now refuse to be our Speaker?" The wretched man could only still reply that the king had given express injunction; and again moving from his chair, he was again forced into it by Holles, Valentine, and Long: the first swearing by "God's wounds" he *should* sit there till it pleased them to rise! May, Edmundes, and other councillors had advanced to his rescue; but only to hear the oath which Mr. Holles had sworn, and to be borne back helpless to their seats by younger and stronger men.

Thus finally forced down into his chair, appeal for the third time was made to him. Selden spoke to him once more, warning him that such obstinacy might not go unpunished or it would become a precedent to posterity. Sir Peter Hayman disowned him for a Kentish man; called him the disgrace of his county and the blot of a noble family; and saying that posterity would remember him with scorn and disdain, proposed to have him brought out of the chair to the bar, and then and there to have another Speaker chosen. Strode took up this appeal; and called upon the house not to suffer themselves, by leaving the Declaration unvoted, to be turned off like scattered sheep as they were last session, and

to France, to find himself, at his return, completely swindled out of it. Birch's Transcripts, Pory to Brooke, 15th Nov. 1632.

sent home with a scorn put upon them in print. "Let all "who desire this Declaration read and put to the vote," he added suddenly, "stand up." With a shout of assent the vast majority instantly rose; and Eliot, who till now had held the paper, flung it down into the midst of them, on the floor of the house. Selden meanwhile had suggested that the clerk should be made to read it, but in the noise and phrenzy this was scarcely heard.

Blows had by this time been struck, Francis Winterton, the member for Dunwich,\* interfering on the side of Finch, was hustled and thrust aside by Coryton. Sword-hilts began to be touched, and the more timid fought the door. At this moment a message from the king, who had been waiting impatiently Mr. Speaker's return to him, was privately whispered to Grimston, the serjeant at arms; and the old man, then in attendance behind the chair, came forward to the front and laid his hand upon that "which being taken from the table," says one of the old reporters, "there can be no further proceeding." He had actually lifted the mace when a fierce cry arose to shut the door; and not the mace only but the key of the house was taken from him by Sir Miles Hobart, who shut and locked the door from the inside, put the key in his pocket, and replaced upon the table their symbol and sceptre of authority.†

\* This Francis Winterton had his reward for this service. There is a letter of the lord treasurer to the attorney-general of the 20th of the following May (MS. S. P. O.) conferring on him, "for special service "best known to his Majesty," a valuable grant of arrears of wine licenses with full power to collect and compound! The grant is subsequently entered under date of the 3rd of June.

† The Verulam MS. says that Hobart put the serjeant out of the house; and this is said also in the Hargrave MS. (299) quoted in a note by Mr. Bruce. But this is distinctly contradicted by the attorney-general in one of the few passages where his indictment may be accepted as authority. "That the disobedience of the said confederates was then grown to that height, that when Ed. Grimston, the serjeant at arms then attending the "Speaker of that house, was sent for by your maj. personally to attend "your highness, and the same was made known in the said house; the said "confederates notwithstanding, at that time, forcibly and unlawfully kept "the said Ed. Grimston locked up in the said house, and would not suffer

Then above all the din and tumult was again heard Eliot's voice. "I shall now exprefs by my tongue the purpose of that paper. I have here prepared a shorter declaration of our intentions which I can deliver to you, and which I hope shall agree with the honour of the house and the justice of the king!"\* And while still the Speaker sat by compulsion in his chair, these words were spoken by Eliot and answered by the acclamation of nearly every voice.

*"Whereas, by the ancient laws and liberties of England, it is the known birthright and inheritance of the subject, that no tax, tallage, or other charge shall be levied or imposed but by common consent in parliament; and that the subsidies of tonnage and poundage are no way due or payable but by a free gift and special act of parliament, as they were granted to our sovereign King James of blessed memory, by whose death they ceased and determined. And yet notwithstanding they have since been levied and collected, contrary to the said laws and liberties of the kingdom, and to the great prejudice and violation of the rights and privileges of parliament. Which said levies and collections have been formerly here declared to be an effect of some NEW COUNSELS against the ancient and settled course of government, and tending to an innovation therein; and are still an apparent demonstration of the same.*

*"We the Commons, therefore, now assembled*

"him to go out of the house to attend your maj: and when also on the same day, James Maxwell, esq. the gentleman-usher of the black-rod, was sent from your maj. to the said commons house, with a message immediately from your majesty's own person, they the said confederates utterly refused to open the door of the house, and to admit the said James Maxwell to go to deliver his message."

\* MSS. at Port Eliot. The words are misstated and misplaced in Heath's information.



“ in parliament, being thereunto justly occasioned,  
 “ for the defence and maintenance of our rights  
 “ and the said laws and liberties of the kingdom,  
 “ do make this protestation—

“ That if any minister or officer what-  
 “ soever shall hereafter counsel or advise the  
 “ levying or collection of the said subsidies  
 “ of tonnage and poundage, or other charges  
 “ contrary to the law; or shall exact, receive,  
 “ or take the same, not being granted or  
 “ established by special act of parliament;  
 “ we will not only esteem them, as they were  
 “ styled by King James, vipers and pests, but  
 “ also hereby we do declare them to be  
 “ capital enemies to this kingdom and com-  
 “ monwealth; and we will hereafter as occa-  
 “ sion shall be offered, upon complaint thereof  
 “ in parliament, proceed to inflict upon them  
 “ the highest punishment which the laws  
 “ appoint to any offender. And if any  
 “ merchants or other shall voluntarily yield  
 “ or pay the said subsidies or charges not  
 “ granted as aforesaid, we hereby further  
 “ protest and declare that upon like complaint  
 “ thereof, we will without any favour proceed  
 “ likewise against them, as accessaries to the  
 “ said offences.\*

“ And for myself,” cried Eliot, as with a touching  
 sense that his work that day was yet but imperfectly  
 done, and the future was stretching dark before him,  
 “ I further protest, as I am a gentleman, if my fortune  
 “ be ever again to meet in this honourable assembly,  
 “ where I now leave I will begin again.”

Loud and repeated knocking had meanwhile pro-  
 claimed Black Rod's impatience for admission; but no

\* From the MSS. at Port Eliot. This very important paper has never before been printed.

notice was taken of his importunity, and as he came he had to return to his master, now sitting in angry wonder in the house of lords.\* The work of the lower house was not quite done. Eliot had no sooner ceased than the three resolutions were produced by Holles, who, standing close to the chair in which, coerced and silent, the Speaker remained, cried out himself in a loud voice that he there and then put it to the question—

*"Whoever shall bring in innovation in religion,  
"or by favour seek to extend or introduce Popery  
"or Arminianism, or other opinions disagreeing  
"from the true and orthodox church, shall be reputed  
"a capital enemy to this kingdom and common-  
"wealth."*

"Aye! aye!" cried hundreds of voices.

*"Whosoever shall advise the levying of the  
"subsidies of tonnage and poundage not being  
"granted by parliament, or shall be an actor or  
"instrument therein, shall be likewise reputed an  
"innovator in the government, and a capital  
"enemy to the kingdom and commonwealth."*

"Aye! aye!" the vast majority replied again.

*"If any merchant or other person whatsoever  
"shall voluntarily yield or pay the said subsidies  
"not being granted by parliament, he shall like-  
"wise be reputed a betrayer of the liberty of  
"England, and an enemy to the same."†*

And as the last loud shout of assent arose from those three or four hundred gentlemen of England, representing millions of as yet silent voices behind them, Hobart flung open the door, and out in a body rushed all the members carrying "away before them in the

\* "Being informed that neither he nor his message would be received by the house, the king grew into much rage and passion, and sent for the Captain of the Pensioners and Guard to force the door."—Verulam MS.

† From the MSS. at Port Eliot. They are given with slight verbal changes and additions in *Parl. Hist.* viii. 332.

“crowd” a king’s officer standing at the entrance.\* He belonged to the guard of pensioners. Upon repulse of the second royal message, they had been sent for to force the entrance; but for the present that outrage was saved. It waited a more disastrous time. Enough that the two hours’ scene now passed should have marked “for England, the most gloomy, sad, and dismal day that had happened in five hundred years;”† and, for those who had taken leading part in it, a scene of personal danger to which no man knew the limit. But the work proposed being done, the rest was waited for with the most perfect composure.

Formally the parliament was not dissolved until the 10th of March, when the king went to the house of lords; and, without even calling up the commons, in a brief and angry speech contrasted their lordships’ comfortable conduct to him with the disobedient carriage of the lower house, spoke of the vipers in that assembly, and warned those evil-affected persons to look for their rewards. Already they knew the kind of reward they were to look for. Though the public ceremony of dissolving had been delayed to this day, a proclamation for the dissolution, in effect depriving the members of privilege, had been signed on the 3rd of March; and on the 4th Eliot, Holles, Selden, Valentine, Coryton, Hobart, Hayman, Long, and Strode had received warrants to attend the privy council.

There was not another parliament in England for eleven years.

\* J. Inham to Paul d’Ewes, 5th March (Sloane MSS. 4178): “It is said that a Welsh page, hearing a great noise in the house, cried out, ‘I pray you let hur in! let hur in! to give hur master his sword, for they are all a fighting!’ In the same letter the scene is described as ‘some saying one thing, some another, some ready to take their swords in their hands.’ A modest speech in deprecation of Eliot’s is also stated to have been delivered by Weston’s son.

† D’Ewes’s *Autobiography*, i. 402. The sitting had lasted altogether only two hours.

## BOOK ELEVENTH.

IN PRISON AND IN WESTMINSTER-HALL.

1628-9—1629-30. ÆT. 39-40.

- I. Mr. Attorney and the Judges.*
- II. The Lieutenant of the Tower.*
- III. At the King's-bench Bar.*
- IV. Family Affairs.*
- V. Trinity to Michaelmas.*
- VI. From a Palace to a Country-house.*
- VII. At Counfels' Chambers.*
- VIII. Judgment and Sentence.*

### I. MR. ATTORNEY AND THE JUDGES.

**B**ULSTRODE WHITELOCKE pronounces the king's attorney, Heath, to have been "a fit instrument for those times."\* It is a character happily sketched in half a dozen words. But it must also be said of his majesty's attorney that he acted according to the lights he had, and that throughout the transactions to be now described he showed no misgiving or shame. Of his majesty's judges, so tenderly touched by Whitelocke for his father's sake, as much cannot be said. They will be found to have known the injustice they were doing, and to have betrayed that consciousness in the act of doing it.

On the 4th of March Eliot, Holles, Hobart, and Hayman; and on the day following Selden, Coryton, and Valentine; were under examination at the council

\* *Memorials*, i. 37.

board. Strode and Long did not appear to the warrant, but they afterwards surrendered to a proclamation issued for their apprehension, and were sent to the king's-bench prison.\*

Rough drafts of the questions put are in the public record office in Mr. Attorney's handwriting. Holles, Hobart, and Hayman answered generally, admitting the facts charged, and claiming privilege of parliament: Hobart further saying that he locked the door because the house commanded it; and Holles humbly desiring, as his majesty was now offended with him, that he might be the subject rather of his mercy than of his power. "Than of his justice, you mean," interposed the Lord Treasurer. "I say," replied Holles, "of his majesty's power, my lord." Eliot, questioned more closely, both as to particular speeches and whether he had not prepared certain papers to be taken with him into the house that day, made answer at once that he should reply to no questions having reference to anything alleged to have passed in parliament: that whatsoever was said or done by him there, and at any time, was performed by him as a public man, and a member of the house of commons: that of his sayings and doings in that place, whensoever called upon therein, where, as he took it, it was only to be questioned, he was, and should always be, ready to give an account; and in the meantime, "being now but a private man, he would not trouble himself to remember what he had either spoken or done in that place as a public man." From where they stood at the council-table, all four were thereupon committed to the Tower; where on the following day they were

\* The proclamation was dated the 27th of March, and was for the apprehension of Walter Long, Esq. late high sheriff of Wilts, and William Strode, gentleman, son of Sir William Strode of Devon, for seditious practices and crimes of a high nature. The Privy Council Register shows that on the 3rd Eliot was ordered to appear on the morrow; and the 4th is the date of his committal to the Tower, and of the order for sealing up his study, trunks, papers, &c.

joined by Selden,\* Coryton, and Valentine. At the same time, and before the public act of the dissolution, the private lodgings of Eliot, Holles, and Selden were entered by a member of the house under order from the king and council, and seals put upon their papers.†

The principle by which Mr. Attorney proposed to guide himself, in the conflict he thus entered upon, he frankly expressed at the time in a letter to Lord Carlisle. From that approved counsellor of the king he desired an opinion upon a paper he had prepared. (It was a distorted and exaggerated representation of the incidents of the two sessions, drawn up to prejudice as far as possible in the public judgment the case of the parliament men; and was afterwards, with revision and omissions,‡

\* The alleged result of Selden's examination (MS. S. P. O. 18th March 1628-9) is not reconcileable either with his former speeches in the house, or with the tone he afterwards maintained; and I doubt its correctness. He is said, when pressed as to Eliot's "protest or resolution as to taking of "tonnage and poundage" (which for the first time I have printed, but which may have been put to Selden in an exaggerated form, as it had reached the ears of a reporter for the court), that if, in the midst of the confusion, he had been able to understand clearly Eliot's positions, he should have dissented from them, for he was of another opinion. But, in excuse for declining any more specific answers, he said that he had been so much interrupted in observing the passages of that day by many questions asked of him upon that sudden occasion by those that sat near him of all sides, that he neither did nor could well observe other men's acts.—Valentine and Coryton admitted generally the facts, but remembered nothing as to the particulars questioned.

† When the day of retribution came in 1640, "Mr. Whitaker, being at the bar, did not deny but that he did search and seal up the chamber, and trunk, and study of Sir John Eliot, between the 2nd and 10th of March, during which time the parliament was adjourned: but endeavoured to extenuate it, by the confusion of the times, the length of time since the crime was committed, and the command of the king and 23 privy councillors." *St. Tr.* iii. 312-3.

‡ One omission is worth preserving. Heath had suffered his pen to stumble into an unguarded admission in speaking of the seizures of the merchants' goods: "In the collecting &c. of which sums of money, we have fallen upon that difficulty which at the first we did not foresee, and which, out of the experience of that which is past and cannot be recalled, we propose to avoid for the future:" to which sentence in the draft is appended the significant "I would omit all this;" and it is omitted accordingly. MS. S. P. O. 7th March 1628-9. For the paper as published, see *Parl. Hist.* viii. 335-354.

issued in print in the king's name as a statement of the causes of the dissolution.) The breaking of the parliament, Heath told the earl, had been compelled by the untoward disposition of a few ill members of the house of commons; and as to this he offered to my lord's clearer judgment things which he saw himself but by twilight, yet conceived might be of moment to advance his majesty's power. Now was the time, he conceived, to put brave and noble resolutions into acts; to the end that whilst on the one hand the vulgar were fought to be made diffident of his majesty's religious and just government, on the other they might be led to find how much they had been abused. The deserved punishment of the members of the lower house might create such an example of better obedience, that ages to come would be warned by their folly; and the king should certainly not find his attorney-general "faint or remiss in that or any other service."\*

It was thus a considerable stake Sir Robert Heath proposed to play for. He was to establish an example for warning to ages to come. And he went about it with an amount of determination doubtless not more suggested by the gravity of the undertaking itself than by his recollection of certain recent onslaughts in the commons' house. His object first was to stem the tide of public feeling which already had powerfully set in for Eliot and his friends. The paper just prepared would do something. It occurred to him next to revive the old judgments against Eliot, and those processes of outlawry † used to so little purpose on the eve of the last election. To which end he took the precaution of sending down a private commission to Bagg and others in Cornwall to inquire whether Eliot's lands were still in trust, and found they were so.‡ Copies of the outlaw-

\* MS. S. P. O. 7th March 1628-9.

† See *ante*, 64 and 106.

‡ Eliot afterwards himself gave an account of this proceeding. *Mede* to Stuteville, Feb. 27, 1629-30.

ries against him were then circulated; and opportunity was taken immediately afterwards, upon alleged false statements "newly put forth" concerning the authors of the outrage of the second of March, to issue a second proclamation from Heath's pen. It was brief. Indeed its whole pith and intention were in one sentence. It told the people that the late abuse had for the present unwillingly driven the king out of a parliamentary course; that for any one to prescribe a time for another parliament would be accounted great presumption; that his majesty would be more inclinable to it when such as had bred the interruption should have received their condign punishment; and that good subjects were not to identify all the members with the recent disturbance, or to suppose that more than a tumultuous few had assented to "*the scandalous and seditious propositions in the house of commons, made by an outlawed man, desperate in mind and fortune.*"\*

The ground thus laid in one direction, Mr. Attorney then addressed himself to another, more immediately important. He drew up a series of questions, to which the king in his own hand added others directed specially against Eliot, in order that the same might be privately put to the judges; and those dignitaries, having received the king's order to meet at Serjeants'-inn on the 25th of April for the purpose of replying to them, remained under what Coke called auricular torture for no less than three days!

"My father," says Whitelocke, "did often and highly complain against this way of sending to the judges for their opinions beforehand; and said that if bishop Laud went on in his ways he would kindle a flame in

\* The note of outlawries upon record against Sir John Eliot (quoted *ante*, 106) remains in the S. P. O. under date the 25th of March; and the proclamation for suppressing false rumours touching parliament is in the same collection under date of two days later. The reader will not fail to notice, when he comes to the close of these iniquitous proceedings, that the man "desperate in fortune" is fined four times as much as others in consideration of the latter being of "less ability" in personal means!



"the nation." The greater misfortune was, however, that the best of the judges should so have valued place more than conscience as to permit the worst to dictate the decisions of the rest, and to do thereby as much as Laud himself to set the nation on flame.

The first question put to them was on the case of Richard Strode, of late years frequently cited from the fourth of Henry the Eighth; in which proceedings taken in the stannary-court against a member who had proposed regulations in parliament affecting the tanners in Cornwall were so severely dealt with, and all that had so been done, or might thereafter be done, on the ground of matter relating to parliament, was annulled in such strong terms, that in the opinion of the ablest lawyers it amounted to a general enactment. To this the judges now replied that they held the act to be private, and extending only to Strode for the special matter; "but yet no more than all other parliament men, by privilege of the house, ought to have, namely freedom of speech concerning those matters debated in parliament by a parliamentary course."

That reply occupied the first day. On the second, no less than six questions, besides a seventh arising out of them, were put, having all of them exclusive relation to Eliot; and for the most part drawn up, as well as suggested, by the king himself.\*

\* In addition to the questions put, a draft copy remains in the S. P. O. of others "demanded by the king" which do not appear to have been submitted. I subjoin them as curious confirmatory evidence of the intense eagerness of pursuit with which the king himself was following up the case of Eliot (see *Dom. Car.* i. vol. cxli. no. 50): "It is demanded by the king,—If Sr. Jo. Elliot, being called to the Barr, or attend, he confessing his hand, and pleading not to answer, because of the privilege of Parliament, 1. Whether the Judges will not presently overrule it, that he ought to have answered the commissioners?—And in case Sir John doe not presently in court submitt himself to answer before the House, notwithstanding that overruling, 2. Whether the Court will not presently censure him for the contempt.—If he will not confesse his hand, or doe [*sc*] submitt himselfe to proceed by Bill, to desire the opinion of the Judges of the particulars of the fault."

The drift of the first and second is only clearly explained by the memorandum found by me among Eliot's papers at the dissolution of the second parliament. On that occasion Heath, by order of the king, had required from Eliot and those who acted with him in the impeachment of Buckingham, that they should give up into his majesty's possession the proofs they had of sundry matters of grave import urged at the impeachment; and upon Eliot's written refusal, a further attempt to force him individually to the revelation of those proofs had no better success. The thing happened in parliament, was Eliot's sole reply, and was no longer his to speak of.\* Heath's first question to the judges now was, whether if *any* subject had received probable information of a treason or treacherous intention against the king or state, that subject could not be required to reveal his information and the grounds of it; and whether, if he refused, he might not be punishable in the star-chamber? To this they replied that the subject ought to confess any treason of which he was informed, so that it did not concern himself. That being the case, then, by the second question the judges were asked whether the subject, being so interrogated, was justified in refusing to answer on the ground that he was a parliament man when he received the information? To which, "by advice privately to Mr. Attorney," reply was made that such excuse, being in the nature of a plea to jurisdiction, was not punishable until regularly overruled; and that, whether the party were brought in *ore tenus* or by information, for the mere plea he was not to be punished.

The third question, so framed as to trip up the judges on their own timid and time-serving suggestion assuming everything that was most disputed, was whether a parliament man, committing an offence against king or council "not in a parliament way," might not be punished after

\* See this curious discovery, *ante* i. 578-80.

parliament ended. To which the judges said Yes, if parliament itself had not punished him; seeing that privilege could not run *contra morem parliamentarium*; for though regularly he could not be compelled, out of parliament, to answer things done therein in a parliamentary course, it was otherwise where things were done exorbitantly, such not being the acts of a court. Impatient at this dodging and shifting from the issue they had themselves indirectly raised, Heath put afterwards more bluntly another question suggested by the king. "Could any "privilege of the house warrant a tumultuous proceeding?" This did not mend matters, however; but rather struck out a spark of spirit. The judges replied by humbly conceiving, that an earnest though a disorderly and confused proceeding in such a multitude might be called "tumultuous," and yet the privilege of the house might warrant it.

Then was put the fifth question, whether, if one parliament man alone should resolve, or two or three covertly conspire, to raise false slanders and rumours against the lords of the council and the judges, in order to "blast" them\* and to bring them into hatred with the people, and the government to contempt, might not such be punishable in the star-chamber after parliament was ended? Yes, the judges answered again; they held the same to be punishable out of parliament, as an offence exorbitant committed in parliament, beyond the duty and beyond the office of a parliament man.

After which came the question, whether if a man in parliament, by way of digression, and not upon any occasion arising concerning the same in parliament, should say such a thing as that the lords of the council and the judges had agreed to trample upon the liberties of the subject and the privileges of parliament, he were punishable or not?† Upon which the judges,

\* The word used, it will be remembered, by Eliot.

† The reader, by referring back a few pages, will be able to judge how

seeing that it concerned themselves in particular, desired to be spared making any answer thereunto. Nevertheless again Heath returned to the charge by putting a former question, which the king also had suggested, in such a general form as to ensnare them by the reply they had recently made. If, he asked, parliament men conspired to defame the king's government, and to deter his subjects from obeying and assisting him, "of what nature would "be their offence?" Cautiously they answered that it would be more or less according to the facts. Here the king himself interposed. True it might be that the circumstances would aggravate, or diminish, when particular men came to be tried; but what he must now know from his judges was, the nature of that offence if fully proved. But his judges saw and again slipped the snare. They were in all humbleness willing to satisfy his majesty's command, but until the particulars of the fact should be submitted they could give no more direct reply than before.

So ended the second day's secret questioning. The third day was occupied, as the first had been, by one question only; of which the object was to ascertain, whether, in case of proceedings against a parliament man, *ore tenus*, before the star-chamber, his plea to jurisdiction in that court might not be overruled, and a further answer compelled. As to this the judges, with another feeble and glimmering spark of independence at the last, made reply that it was the justest way for the king and the party not to proceed *ore tenus*; because, it being a point of law, it was fit to hear counsel before it could be overruled; and upon an *ore tenus*, by the rules of star-chamber, counsel might not be admitted: so that it would not be for the honour of the king, nor the safety of the subject, to proceed in that manner.\*

far the attorney was justified in saying that Eliot had spoken these words: "by way of digression, and not" &c. &c.

\* In the S. P. O. MSS. Dom. Ser. cxli. arts. 44 to 52 inclusive, will be

Whereupon the attorney proceeded to show the practical conclusion to which, upon the whole case, these judicial expositions had conducted him, by taking immediate steps to file an information in the star-chamber. It was a conclusion he was justified in arriving at. Of the show or sign of independence made by the judges, and which in some degree doubtless disappointed him, he might with good reason believe that it was indeed but sign. Something there was in the replies, of dread as to a future parliament; but of a servile eagerness to satisfy the king, much more; and of any upright desire to hold impartially between parliament and king the balance of justice and the laws, nothing whatever. A few difficulties on points of form he might anticipate, but in essentials he was safe.

No time was lost therefore in filing the star-chamber information. Before relating what followed thereon, it will be well to see how it has fared with Eliot and his friends in the prison to which they are consigned; and what success has attended those other eager efforts of his majesty and his attorney to assail and discredit *the outlawed man, desperate in mind and in fortune.*

## II. THE LIEUTENANT OF THE TOWER.

Sir Allen Apsley lives pleasantly in our memories for his daughter's sake, the brave and gentle Mrs. Hutchinson. But some deduction must be made from that charming tribute in her memoirs which describes her father as a father to all his prisoners, sweetening with such compassionate kindness their restraint that the affliction of a prison was not felt in his days. He was an honest, plain-spoken man, with no disposition to be harsh or unjust: but he was a king's man to the back bone;

found drafts and copies of these various questions and answers, with the king's insertions as to Eliot in his own hand. Some of them, I ought to add, appear to have been consulted by Nelson for his *Collections* (ii. 374).

his only law was that of obedience to the master he was serving under; and the career in military and naval service which made him a disciplinarian, had neither sharpened nor refined his sympathies. The court had every reason to be satisfied with the manner in which he now discharged his trust.

Under the respective warrants he had been directed to receive the bodies of the prisoners as in each separate case ordered to be detained "in close custody for notable contempts by him committed against ourself and our government, and for stirring up sedition against us." Rooms were severally assigned to them, and the conditions of "close" as distinguished from "safe" custody were rigidly enforced. Visitors desiring to see them were to be strictly reported upon, and very sparingly admitted; and all books and papers, pens and ink, or any means of communicating with friends, were to be wholly denied to them. The last provision was carried out rigidly and severely for more than three months.\* Nor would this probably then have been relaxed, though the public discontent in connection with the prisoners had begun to take a very threatening form, but that in rude defiance of it, and of representations from the judges of his bench that they would have to consent to bail, his majesty resolved at all risks to keep them in

\* "After the lapse of about three months," says Selden, speaking of this imprisonment (*Opera Om.* ii. 1428), "permission was obtained for me "to make use of such books as, by writing for, I procured from my friends and the booksellers; for my own library then, and long subsequently, remained under seal." He adds that he then "extorted from the governor the use of pens, ink, and paper; but of paper only nineteen sheets, which were at hand, were allowed, each of which was to be signed with the initials of the governor, that it might be ascertained easily how much and what I wrote; nor did I dare to use any other." This statement is strictly borne out by a MS. petition of Selden's to Apfley in the S.P.O. under date the 30th of March, praying with pathetic earnestness for books, and for use of pen, ink, and paper. "Let me not," he says, "wholly lose my hours!" and he promises not to abuse the favour. It is not likely that Eliot would at the outset have been treated less harshly than Selden, but the spirit and temper in which he found himself a prisoner would have withheld him from preferring a petition for anything.

his grasp, and Sir Allen Apsley, for reasons to be named hereafter, thereupon suggested "safe" in place of "close" confinement. Up to that time, it is certain, the cruelty of close incarceration was persisted in.

Eliot's letters from his prison do not begin until late in June; not until then were pens and ink allowed him; and meanwhile we have to trust for report of him to the lieutenant of the Tower. Happily some few letters of Sir Allen Apsley's to Lord Dorchester, written then to satisfy the secretary of state's curiosity as to everything affecting Eliot and his friends, remain still in the public record office to gratify our own.

They had been something less than a fortnight prisoners when Sir Allen's first letter mentions them. Writing on the 20th of March he tells Lord Dorchester that he had yesterday sent him a note in some haste of such as desired to have access to the prisoners; and since then others were come to his knowledge, which he loses no time in reporting. After writing yesterday, Lord Holles, Denzil's elder brother, had again gone to Sir Allen's wife, Lady Apsley, and would by her means have spoken with his brother. She refused. Afterwards he went to Mr. Holles's keeper, and being denied by both he had taken it very ill. But Sir Allen thinks it right to inform my lord the secretary that Mr. Holles's brother deserves no favour, for that at the prisoners' first coming in he had sought indirect means to speak with them.

Nor was he the only offender in this respect. His lordship the Earl of Lincoln,\* "and others," would that day have induced Sir Allen's son to have taken them to Sir John Eliot's lodging: "w<sup>ch</sup> hee refused, sayinge hee " could not iustify yt; and then, as I herd, his Lo: went

\* Lord Lincoln, the fourth earl and twelfth baron Clinton, now in his twenty-ninth year, and who already had commanded under Mansfeldt for relief of the Palatinate, was a warm friend of Eliot's and of the popular cause. He afterwards fought for the parliament all through the first civil war. He had married the daughter of Lord Say and Seale.

"and *did adoration* at Mr. Selden's wyndowe." But this was not all. Only the day before, the Lord Rochford, and the Lord St. John, son to the Earl of Bolingbroke, had been caught "going obscurely by themselves directly "to S<sup>r</sup> John Elliotte's lodginge, and being stoppt by a "warder I sett of purpose over *his* lodginge, then they "desired to speake with S<sup>r</sup> John's keep<sup>r</sup>, and would have "had his keep<sup>r</sup> to have brought them to him, w<sup>ch</sup> he "refused."

Sir Allen is particularly careful to add that he prevents western men from seeing Eliot, giving them their weary journey in vain. ("One Pollerd and Grenfeild, Devon-sheere men, came up of purpose to have seen S<sup>r</sup> John Elliott.") But in justice to his prisoner he adds that even when persons admitted had attempted to open communication with Sir John, he had not always himself encouraged it. On Monday last, for instance, there was one Morton, a minister, "came as neere S<sup>r</sup> John Elliott's wyndowe as hee could, and called aloude "to have spoken with him; but hee did not answer "him."

Characteristic notice of applications made to Coryton and Selden closes the governor's budget about the prisoners for his majesty's secretary of state. "This "daie alsoe 2 of the Plunkettes Irishmen came to mee to "see Mr. Corrington *about money hee oweth them*. "Mary Kingham, a titularie sifter of Mr. Seldens, I "think a seamster, sent him a table book sealed w<sup>ch</sup> I "retayne. Nothing was written in yt." After all which good service Sir Allen is emboldened to add a word about his son.

Somebody had been spreading a heinous report that the young man was of the Eliot faction against the Duke of Buckingham; that he was running the same refractory course; and that he had been bringing men, and carrying messages, for Eliot and the other parliament prisoners. Would my lord tell the king that the reverse



of this was the truth ; \* and that had his father conceived his son's heart to be so opposite to his majesty's ways, or disaffectionate to the duke, the youth should have been counted illegitimate and as a bastard, and never a penny been given or left him. As for his carrying messages, or anybody, to Eliot or the others, directly or indirectly, if that were so his father was ready to suffer any punishment in the world ; but so confident of the contrary was Sir Allen, that if such a thing could be proved he would willingly render his place at the king's disposal. " The poore boy is soe afflicted as hee p'testes " to God hee had rayther die instantly then live w<sup>th</sup> his " Ma<sup>tes</sup> ill oppinion. Hee is not xxiiij<sup>th</sup> : I doe not " think that ever hee medled with any thing feryous, " his witt lyinge a contrary waye."† These two sentences, which may be thought to throw light on each other, complete a whimsical and unconscious picture of the good father's anxiety for his son.

Before the date of the second of those letters of Apsley still accessible to us, the 5th of May, many things had occurred to render the court uneasy, and the

\* Sir Allen's mode of accounting for the slander that had charged his son with being an enemy of the duke's, a circumstance he too well knew would obstruct altogether the young man's preferment and favour, is sufficiently curious to subjoin in detail : " The first I conceive springes out of " this ground, my sonnes being associat with Mr. Harrie Percie. They " were bredd together at a common scole at Thistellworth and afterwards " 4 or 5 yeres at the univerfetie of Oxford. The Lo Lester (as I take yt) " got a burdges place for Mr. Percie, presm̃ing hee would haue runne the " same waye as they did that hated the Duke ; but my sonne being his " bedfellowe swaded him the contrary toe his best littell strength and his " voyce was ever for the kinge and agaynst the ennemys of the Duke, for " w<sup>ch</sup> they yet doe not abide Mr. Percie ; my sonne was by Mr. Alford (one " of the faction) offered a burdges place provided he should have given his " voyce against the Duke, w<sup>ch</sup> hee detested to doe or accept ; my sonne was " a contynuall companion w<sup>th</sup> Mr. Ashbornham and others neere the " Duke, and the Duke himself made much of him, soe farr as hee hadd gon " the voyage with him yf his grace had lived, and uppon Mr. Ashborn- " hams p'ferment hee indeavored to have s'ved the Duke in his steede."

† MS. S. P. O. " Tower the xxth of Martch 1628 (9)." Addressed to Dorchester as " principall Secretary of Stat to his Ma<sup>tie</sup> haft theis at Court " from the Tower of London."

prisoners objects of increased solicitude. Laud mentions in his diary, at the close of March, that two papers had been found in the yard by the deanery of Paul's, bidding him and the lord treasurer to look to themselves; and that Mr. Dean had delivered both papers to the king that night. A fortnight later, a proclamation was fixed at midday on the Exchange charging the "dogs" of bishops with having imprisoned English protestant gentlemen for good services in parliament; and this was but the prelude to two other libels said by Laud to have been found at Paul's-cross, warning his majesty himself that the first thing God did when he determined to dethrone a king was to take from him the hearts of his subjects.\* Certainly the bonds of allegiance were loosening fast. A week or two before, one of the correspondents of Vane (now on an embassy to the Hague) had written to him of the discontents of merchants, and their continued refusals to pay because of rumours that there would be no new parliament until those were punished who caused the last breach, "wherein Eliot is most charged." At the same time Eliot's friends were moving in Cornwall; and Sir Barnard Grenville made bitter complaint to Bagg that everything was disaffected and deranged in that county by what he called "the fowlenes of sondry ill disposissions poysoned by y<sup>e</sup> malevolent [*sic*] faction of "Elliot." In London affairs daily grew worse. The merchants were resisting everywhere prosecutions against them; and the people drew from life's ordinary incidents calamitous and dismal omens. If Philips in parliament might ascribe to God's displeasure the accident of the king's nephew drowned at sea, what were the vulgar in the streets to think of a prince of Wales, eagerly but vainly desired since the royal marriage, now born into the

\* Laud's *Works*, iii. 2101 and in the MSS. S. P. O. 14th April 1629, is a copy of the proclamation indorsed by Laud: "This paper was put up upon the Exchange in the day time." A man supposed to have done it was sent to Bedlam. All the letters here quoted are in the S. P. O.

world for some brief hours only, and then snatched untimely away? That was in the first week of May. On the 20th of April another of Vane's correspondents had informed him that business went on *de mal en pis*, everything full of gloom and dolour, few or none paying the tonnage and poundage dues, and those that were paying doing it under other men's names, "so much are the tender consciences terrified at Sir John Eliot's *brutum fulmen*." He added that though the custom-house was not shut up, yet they were at such low ebb that the monies formerly supplied from thence for the monthly payment were now issued out of the exchequer. However, term would bring in the star-chamber, of which there was great expectation concerning Sir John Eliot and the rest. Nevertheless, unless proceedings were taken warily and stoutly, "*actum est!*"

Stoutly therefore the court went on, but somewhat more warily than before. At the opening of May, Heath had filed his information; and on the 5th of that month even governor Apsley has to consider, and ask advice from my lord the principal secretary, whether, according to the usual order upon proceedings in the star-chamber, the close prisoners, to whom all access had been denied by his majesty's order, were now to be allowed counsel to have access to them? As they had been committed close prisoners by his majesty's express pleasure, Sir Allen thinks he ought to have warrant immediately from the king, or council, or secretary of state, since to obey any other directions might be a precedent of much inconvenience. The reply to this letter is not among the records; but access was probably allowed, for within a day or two, upon the opening of Easter term, Selden, Coryton, Holles, and Valentine had sued their writs of habeas. Eliot declined in his own case to take this course. The decision in a few, he said, would suffice for all; and he should himself demur to the proceedings in star-chamber.

Apsley's third letter to Dorchester, on the 9th of May, is chiefly a report of his continued good success in preventing the prisoner's friends from holding communication with them. At the close of April, he says, one Mr. Mathewes of Dartmouth had inquired for Sir John Eliot's lodging, and after went to gape up at Mr. Valentine's window: whereupon he was taken by a warder "that stood watch of purpose" and put out of the Tower. Two days before, in like manner, one John White, a minister and preacher of Dorchester, and Ferdinando Nicholles of Sherborne, had come under Mr. Holles's window and would have spoken to him; but they were prevented by his keeper, and also put out of the Tower. Only yesterday again, Sir Oliver Luke and Sir John Littleton, both parliament men, had come to the keeper of Sir John Eliot, and earnestly desired him to be a means to help them to speak with Sir John, or at least that they might only see him; but he refused. So afterwards they went to Mr. Holles's lodging. They could not get near his window because of a good distance of garden intervening; but one is not sorry to learn that they got near enough to find the prisoner making as light as he could of his imprisonment, and, in the absence of books and papers, provided with occupation more active though less intellectual. He had been swinging dumb bells, and was busy whirling a top. Upon their offering to speak to him, says Sir Allen, "hee shewed them his topp and skurdgstick, his waighthes " of swinging with, and theye made antick signes and " devoted salutations at their parting." But were even such to be permitted? Ought we not to make stay of any such that might thenceforth attempt the like? The governor humbly prays his majesty's pleasure as to that, and whether "yt bee thought meete that they may bee " questioned what buisines they hadd there."

The letter closed characteristically. Sir Allen had been winding up with a story of some unfounded fears of Lord Clare's as to the healthfulness of his son's

prison,\* when it is obvious that something had occurred to disturb him. A hurried postscript explains it. "I have receaved," he says, "a hab-corpus for Mr. Selden and an other for Mr. Vallentyn, the return of the writtes are uppon Mondaie next, in the mean tyme I humbly desire to know his Ma<sup>ties</sup> pleasure whether I shall return boath the boddies with the cause one or nether." He is clearly in a difficulty; and he sends off his letter "haft threis haft at Whithall or the court," in the hope of timely solution.† Instantly the matter was referred to Heath, who wrote back to Dorchester to move the king for it as a thing fit to be done, with assurance that the prisoners were "certain to be remanded again."‡

The king's answer, sent direct from the lord-keeper to the lieutenant, was not that the Petition of Right had rendered grossly illegal any failure of such return, but, as Sir Allen repeated it in his next letter to Dorchester written five days after the last, that it was for the king's benefit and advantage that the cause of detention should not be withheld. He was told at the same time that the bodies were not to go. The governor thereupon, having meanwhile received a second writ from the king's bench, had made return of the cause without the

\* As the passage is whimsical and amusing in itself, the reader will not be sorry if I append it: "I heere that the Earle of Clare was informed (for hee sent to mee) or conceived that two of my s<sup>v</sup>ants were ded of the spotted feavor, and that some other sick lodged under his sonne. I thank God I have no one s<sup>v</sup>ant or other ded, and theon of them that is sick hath ben in a consumption this two yeres, and the other a young man hath ben for above half a yere soe desperately and madly in love as hee could neither eat nor sleep, and soe fell into a burning feavor. Some said hee had spotts, others fleabites. His deere tender harted mrs. sorroinge to bee the death of soe true a s<sup>v</sup>ant vissited him, fild him with hoapes, and at last gave him assuranc to bee his faythfull wyf, the man revives and mendes apace! I writ this (howsoever it may seeme idly) to th<sup>e</sup> end that yo<sup>r</sup> Lo<sup>ps</sup> may knowe I would not presume to com unto the Court yf one man had miscarried out of my house or any sicknes that might bee feared, although they lodg remoat from my house and ever did."

† MS. S. P. O. "Tower the ix. of May 1629."

MS. S. P. O. Heath to Dorchester, 13th May 1629.

bodies; and this, he has now to inform my lord, had brought him into trouble. The way he expresses his trouble deserves attention as an impressive instance, afforded by a man otherwise of much worth, of the relative degrees of obedience which were in those days almost universally, by men in the confidence or employment of the court, held to be due respectively to the king and to the law.

Well, then, my lord must know that the judges had during the last few days fined Sir Allen twice; and that very day they had sent the king's-bench marshal to tell him that on the morrow they would send an attachment to the sheriffs of London and Middlesex to arrest *his* body! For all that concerned himself however, further than as it might be advantageable or disadvantageable for the king's service, he esteemed not; and he had told the attorney that he could make no other answer than he had done. He had received his majesty's immediate warrant to detain these prisoners close, and he should observe it until he received the like immediate warrant "to signify his owne gracious pleasure to carrie them." For let my lord observe the case. The writs he received out of the court were mere things by mediation, and of such as were held to be delinquents; whereas he was sworn to obey his majesty's command well and faithfully, according to his best power and knowledge, and to keep the Tower safe; and *therefore*, as there was nothing to put in the other scale but writs by mediation for relief of delinquents, he could not carry the persons of these close prisoners without disobeying his majesty's immediate command, and without breach of his faith and oath to his majesty; nor would he make his own personal appearance, either, to answer the disobeying of their "mediated writts," without the approbation of his majesty. At the same time he concludes this rather loyal than logical exposition by a humble and anxious prayer to the secretary not to fail to signify

to him, that day, and by the messenger he sends on purpose, his majesty's pleasure.

Another touch of natural anxiety betrayed itself. He had gone the day before to Greenwich to try to see my lord. Nay, he had hoped even to see the king. But a sadness at the court stopped him. (The young prince so ardently prayed for had been born and died that very day, and on the day when Apsley wrote this letter Laud was burying the poor thing at Westminster.)\* Still he must have my lord's advice, for without it he should hardly know how to proceed. If he were obliged after all to deliver the bodies of the prisoners, how should he do it? "I pray yo<sup>r</sup> Lo<sup>pp</sup> the manner " howe I shall carrie these prison<sup>rs</sup> beinge but two, ether " by water or land, publikly with a guard or sylently " without?"† It had become dangerous to trust the streets in the excited condition of the people; and to go by water and without a guard, silently, was the course finally chosen. It was a wise precaution. Not many weeks later Lord Grandison was lecturing his nephew about "the habeas corpus men feeding themselves with popular applause," whereas if they had but grounded their opinions on religion and the true rules of government they would never have become so dangerous instruments to themselves as well as to those who hearken after them. For was it not plainly a consequence that public affronts were now given to the government in the open streets? and that, as his majesty's

\* In his diary (*Works*, iii. 211), Laud, after mentioning the child's birth on Wednesday the 13th of May, adds: "He was christened, and died " within short space, his name Charles. This was Ascension-eve. Maii. 14. " The next day being Ascension-day, *paulo ante mediam noctem* I buried " him at Westminster. If God repair not this loss, I much fear it was De- " scension-day to this State." One of the court poets wrote an epitaph that had the merit of being intelligible in a meaning different from its author's:

"Long with'd, then born, he had scarce cried

"*But he despised the times, and died!*"

† MS. S. P. O. "Tower this Thursdaie the xiiij<sup>th</sup> of May 1629." Addressed to "the Lo Carlton vicount Dorchester, principall secretary to his Ma<sup>tie</sup> at Court. *Haft, haft, haft.*"

secretary afterwards wrote, resistance was made in the public highways even to proclamations from the sovereign, blood was shed, barricadoes raised, and capitulations required?\*

But between these conflicting opinions as to the duties and responsibilities of men in a free state, the judges of the courts are now waiting to interpose; and it will be seen, as well at the king's-bench bar as in the star-chamber, with what degree of impartiality their high office was discharged.

### III. AT THE KING'S BENCH BAR.

The information against Eliot and the other members who had "aided and abetted him" on the 2nd of March, was filed in the star-chamber in the first week of May; and on the 22nd of that month Eliot, putting in his plea and demurrer, raised the great question which was to determine the power of the house of commons, and to settle finally for future ages the constitution of England.

Besides certain technical objections, he answered broadly. That the king could have no legal knowledge of what might have taken place in parliament until such should have been communicated by the house itself; and that it did not appear in the information that the matters charged had been so communicated to the king. That the matters charged were supposed to have been committed in parliament, and were therefore only examinable in the house of commons. And that he, Sir John Eliot, the defendant, might not and ought not to disclose what was spoken in parliament, unless by consent of the house. In support of which plea he claimed to be heard by his counsel, Mr. serjeant Bramston, Mr. Robert Mason, and Mr. William Holt. The others put in similar pleas; and besides the counsel named, there were included, on

\* The last words are from secretary Cooke's remarks to the chief justice on the incidents of the public affront to government mentioned in Lord Grandison's letter. See MSS. S. P. O. 31 July and 9th August 1629.



the side of the defendants, Calthrop, Aske, Edward Herbert, White, Sherfield, Charles Jones, Whitfield, and Gardner.

Meanwhile, on the first day of Easter term, the *habeas corpus writs* had been argued by Mr. Aske and Mr. Mason for the prisoners, and against them by the two king's serjeants Berkley and Davenport; upon two returns made, the first a general warrant from the privy council setting forth the king's command, and the other the warrant of the king committing for sedition and contempt. The cases of Strode and Long, brought up from the king's bench prison, were first taken, though all the prisoners were in attendance who pleaded; but the judges reserved their decision: and it was understood that the argument in more important detail would be resumed at the opening of Trinity term, when the gentlemen would be brought up from the Tower, Mr. Littleton would appear for Selden with the attorney-general against him, and the judges would deliver their opinions.

Selden, Holles, and Valentine sat in the court that day beside their counsel; and the report conveyed afterwards to the king, of the absence of all apparent contrition in their bearing and demeanour, gave much dissatisfaction to his majesty. But the line taken afterwards by his attorney-general must have gone far in the way of compensation. Selden himself had drawn up the substance of Littleton's argument. He began by scouting the notion, which my lords and all the court people had been striving to inculcate, and which had been dwelt upon to justify the delay over from last term, that anything whatever could be presumed difficult in the case. An important case indeed it was, of great consequence both to the crown of the king and the liberty of the subject; but under favour, for any difficulty of law contained in it, it had no pretension to be called "grand." He then proceeded to show this by the simplicity and force of his reasoning. He repeated in detail

the cases and precedents for the imprisoned knights in the matter of the loan, and made forcible and final appeal to the Petition of Right. Against the general warrant of the council he cited the great Petition; and assuming that the king might commit by warrant, he triumphantly established the limits to that power. The warrant must set forth the offence; and if the return to the habeas should show that the offence was bailable, the warrant must in all cases yield to the right of bail. Here now was the prisoner, Mr. Selden, ready at the bar last term, and waiting now; here at the bar, last term and this, were a grand jury; here were the king's counsel present, most watchful for the king; and why then, if the offence were not bailable, had not an indictment been preferred against the prisoner? But my lords knew that it was bailable. Then, having shown beyond all dispute that the alleged sedition against the king was no "treason," but only trespass punishable by imprisonment and fine, he resumed his seat; and Holles and Valentine having risen, and with them the counsel for Hobart, all of them said that upon Mr. Littleton's argument they were content that their cases also should rest and be determined. "Mr. Littleton hath won eternal praise," wrote Sir George Gresley to Sir Thomas Puckering, "but he seemed so to displease Mr. Attorney that he denied himself to argue either the next day, according to his own promise and rule of course the last day of the last term, or to appoint any certain day."\* Claiming fully the privilege of his place to plead last, Heath said he could now only promise to perform it at his best leisure, having at present too many weighty businesses lying on his hands. To this the court submitted; and gave him a rule to argue on the Monday following if he could be ready, if not the Saturday after.

Selden was not the man to submit to this patiently. Upon that first day named he persisted with the others,

\* Letter in the Birch Transcripts, Gresley to Puckering, 10th June 1629.  
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“ notwithstanding Mr. Attorney’s message to the contrary,” in obliging their keepers to take them again to the bar; and there again formally he demanded judgment. The judges answered that Mr. Attorney was absent, and began to put cases. But they were no match for Mr. Selden. He told them they mistook his demand. He was not there to dispute their power to give Mr. Attorney what time they pleased to argue, nor had he come there to dispute cases, but to receive the justice of the court. He and his fellows were there, either to be bailed, with which every one of them was then ready provided; or to have their habeas; or to take a rule *de die in diem* to attend their lordships’ censure to the contrary. “ Whereupon there was a rule “ granted for their appearance again upon Thursday, “ and so from day to day, as they desired.” It was a lesson the judges could not but remember, and its effect was salutary.

Upon the second day named, Mr. Attorney delivered his argument; if by the name should be dignified a pleading as devoid of principle or shame as had ever been heard in that court while power was most corrupt and lawless. He scornfully threw aside the Petition. With a sneer he reasserted what he knew to have been never admitted, and claimed for the sovereign the power of arbitrary imprisonment. It sufficed, he said, that a warrant of council should express generally the mere command of the lord the king. In former times that was held a very good return, when due respect and reverence were given to government; but *tempora mutantur!* Nor could any one so committed be bailable. The Petition of Right had been much insisted on, but the law was not altered by it. “ It remained as it was “ before.” He recited the king’s first answer thereto, which had not given satisfaction; and the second, which was in a parliamentary phrase; but he held that the true intention and meaning were to be taken from his

majesty's speech on closing that session, when he affirmed that he had granted nothing new. "A petition in parliament is not a law, yet it is for the honour and dignity of the king to observe and keep it faithfully; but it is the duty of the people not to stretch it beyond the words and intention of the king. And no other construction can be made of the Petition than to take it as a confirmation of the ancient liberties and rights of the subject. So that now the case remains in the same quality and degree as it was before the Petition." \* It is little to add that this model crown lawyer proceeded to argue of the word "sedition" in the return that it might be "treason for anything that appears." This was a small addition to the man's exploit who had taken on himself, by insolent and flippant word of mouth, to repeal the most important statute passed since the great charter. For the immediate purpose, however, he had overshot the mark; and whatever the judges may have desired to do, he had prevented them for that time from doing it.

The information against Eliot in the star-chamber had in the interval, through several delays and interruptions in matters of form, been slowly advancing. Order had been made that after arguments on the pleas and demurrers before the chamber itself, it should be referred to the judges in Westminster-hall to determine whether or not the defendants should be required to make any other answer;† and it was understood that these arguments were to be heard and concluded in time for such opinion of the judges on the second day of term. Eagerness for Eliot's special punishment had meanwhile shown itself in a second information against him simply for refusing at the council-board to answer any question concerning his conduct on the second of March. This was not proceeded with; but it remains in Heath's hand-

\* *State Trials*, iii. 252-286.

† Order of the court: 23rd May 1629. MS. S. P. O.

writing in the record office with other proofs of that passion of embittered rage, which, from among all the parliament leaders the king now held in his grasp, had singled out One for a vengeance long stored up, and never to be satiated but by the death of its victim.

The arguments in the star-chamber were concluded on Wednesday the third of June. The day before had been given to Eliot's counsel, Bramston and Maſon; and on that day Heath had replied for three hours "in continual speech." He mentions the fact himself with much satisfaction in a letter to Conway, now lord president: remarking that he was almost tired, which he hoped he should never really be in his majesty's service; telling him that the matter was now in the hands of the judges; that no doubt their decision would be given by Saturday; and that, until then, there would be no occasion for the lords to be troubled about the great cause, but that, then, it was very requisite there should be a good presence.\* He is evidently under the persuasion that he will carry it all his own way. But in some respects he had reckoned without his host. The judges of the king's bench were *not* ready.

The day originally appointed was the second day of term; and very numerous was the appearance of lords and privy councillors in the court in Westminster-hall, and great the expectation of what the issue would be: when the two chief justices informed the anxious assemblage that they had spent three forenoons hearing the counsel on both sides, and two afternoons in conferring with the rest of the judges; but they had still so many rolls and precedents to look over that they were not yet ready, and could only promise to report their opinions "so speedily as possibly they might."

They were indeed in a great difficulty; which probably would never have been entirely revealed but for the eager wish of Whitelocke in after years to save his father's

\* MS. S. P. O. 4th June 1629.

reputation. In the opinion of the majority of the judges of the king's bench, the right to bail in the habeas corpus cases had proved to be too plain for resistance; and upon representation to the rest of their judicial brethren, consideration or decision of the information for conspiracy had for the time been reserved. So perplexed at last were they, according to Whitelocke, that they resolved to address the king in a "humble and stout" letter.\* This, which was to be forwarded through the lord keeper, should tell the king that by their oaths they were bound to bail the prisoners; but that they thought it becoming, before doing so or publishing their opinions therein, to inform his majesty thereof, and humbly to advise him, as by his noble progenitors in like case had been done, to send a direction to his justices of his bench to grant the required bail. No answer being immediately returned, Sir James Whitelocke went from his colleagues to the lord keeper to enquire the cause; but Coventry would not even admit to him that their letter had been shown to the sovereign. He "discussed the matter," and told him that it would be best that he and his brethren should wait on his majesty at Greenwich at an early appointed day. On a day named they attended accordingly; found that the king was "not pleased" with the determination conveyed to him; and were sent away with a command that at least they were to deliver no opinion before consulting with the rest of the judges. It was a trick for delay. The other judges put off from time to time; required to hear arguments like their brethren; and the

\* See *Memorials*, i. 38. Bespeaking thus as tender consideration as he can for his father's court, Whitelocke at the same time describes, understating rather than exaggerating the horror of its injustice, what was going on simultaneously against poor Chambers: who was fined 2000*l.* in the star-chamber for having said that merchants were worse off in England than in Turkey; who was not permitted by the judges to file his plea in the Exchequer against that iniquitous fine; to whom the judges refused his habeas corpus; and who, after lying in prison for twelve years, died in want. Similar persecutions were also going on simultaneously against Vassal, Rolle, and others.

end of term was approaching with nothing done. Then, for very shame, it could not longer be delayed.

Notice was given to the parties having custody of Strode, Long, and Hobart, to bring them up to the bar of the king's bench on the 23rd of June for judgment. Selden, Holles, and Valentine were to be brought up on the second day after, the 25th. There was much excitement. It was now generally known that the judges were disposed to bail; the decision in the cases argued would govern all; and hope gleamed on Eliot at last in that silent prison where, companionless of friends, debarred from writing or reading, and unrelieved by those attendances at court which their writs had opened to the other prisoners, he had been strictly and closely immured since the 3rd of March. On the day so eagerly expected there was a vast assemblage in Westminster-hall; the court itself was thronged; the judges were robed and in their seats; and everything was ready for the judgment, *but* the prisoners! When their keepers were called to bring them forth, they rose and declared they had them not. The bodies of Strode, Long, and Hobart had been removed from the king's bench prison the previous night, and lodged in the Tower. Whereupon the judges said it was not their parts to make them appear, but to remand them, bail them, or discharge them; which, upon appearance not later than the 25th, they were still ready to do in accordance with such judgment as they had formed.

So loud and bitter were the expressions of discontent unreservedly thrown out in the hall this day before its crowd suddenly dispersed\* that the king, after conference with Coventry and Heath, resolved upon writing himself to the judges. Understanding, he said, in reference to the removal he had ordered of the three prisoners Hobart, Long, and Strode, that constructions

\* In the same letter which describes this scene, there is an anecdote of the unpopularity of the ex-speaker, Sir John Finch, and of the annoyances practised against him by members of his own inn.

were made as if he had done it to decline the course of justice, he wished the judges to know the true reason. Having heard how, at their previous appearances, most of them did carry themselves insolently and unmannerly towards the king and their lordships, his majesty, though the judges themselves had given them admonition, could not but resent his honour, and that of so great a court, so far as to let the world know how much he disliked the same; and having understood that they and the other judges "had not yet resolved the main question," he did not think the presence of those prisoners necessary; and, until he found their tempers and discretions to be such as to deserve it, he was not willing to afford them favour. Nevertheless he had now given directions that Selden and Valentine should attend them on the morrow; to whom they might deliver the occasion of "the suspension of any resolute opinions in the "main point," and the reason why the prisoners were not sent the last day.

This letter, however, with its assumptions of condescension and grace, was but a sequel to the cunning before practised against justice, and was itself a snare. It had its origin in an intimation conveyed to the king from some judges of the other courts that there was disagreement after all upon the main question involved in the meaning of the word "sedition." But hardly had it reached the king's bench when chief justice Hyde, who had justified the king's dismissal of Crewe and choice of himself\* by continued subservience, hastened to Mr. Attorney and told him it was not safe to adventure the bringing of any of the prisoners to the king's bench next day "lest they should be delivered." But what was to be done? for already, Heath knew, the king had written to the lieutenant of the Tower that he was to send up Selden and Valentine, though he was not himself to accompany them. Anything, said Hyde, so that they

\* See *ante* 94; and i. 575.



come not! Heath wrote thereon to Lord Dorchester; stated the case to him; and beseeched him to acquaint the king of the danger everything was in, and to entreat him to countermand his order. With this letter he sent his servant, who was to wait and deliver the countermand!

On the same day it was drafted by Dorchester, and counterparts were sent by the king to Apsley and to the king's bench judges. He had given them to understand, it said to the judges, in letters of that day's date that Mr. Selden and Mr. Valentine were tomorrow to be brought before them; but on more mature deliberation he had resolved that all should receive the same treatment, and that none should appear in court until his majesty should have cause given him to believe that they would make a better demonstration of their modesty and civility than at their last appearance.\*

The result was that judgment could not be delivered. The term closed; and, by cunning that might have shamed an Alsatian scrivener though practised by an anointed king, the defendants had to lie in prison through the long vacation before even another chance could present itself for bail.

One advantage only arose to Eliot from the artifice; but it was not an inconsiderable one, either for him or for us. It gave him pen and ink in his prison. Upon receiving Strode, Long, and Hobart, the lieutenant of the Tower had put the question to Lord Dorchester whether they should be treated as close prisoners, "like Sir John Eliot" and those already in that fortress, or only as safe prisoners. Some humanity entered into the suggestion, there is no doubt; probably some regard to

\* The two letters of the king to the judges were printed by Rushworth (i. 680-1), and have received their proper notice in history. The intervening letters, and all the circumstances that show the motives and steps in the shameful conspiracy against justice, are revealed by the papers still remaining in the public record office. See MSS. S. P. O. under date June 23d and 24th, 1629.

the popular feeling, prevailing at the time so strongly, was also in it ; but the good old royalist governor rested it solely on considerations of economy. For a close prisoner the king was exclusively responsible, but the diet and expenses of safe prisoners were paid by themselves. Was it advisable then, as he put it, that these three gentlemen should be a charge to his majesty of some twelve hundred pounds a year, when, by the ordinary restriction of liberty of the Tower ("no man to speak to them "without the privy of the lieutenant"), the same checks might be retained over their intercourse from outside? The result was that Lord Dorchester, on the following day, conveyed to the lieutenant his majesty's pleasure that the whole seven prisoners were to have liberty of the Tower, "being kept safely but not as close prisoners."\* The number had been reduced to seven. Hayman had made prompt submission and was gone, and Coryton had fallen away from his great colleague. His affairs were involved at the time, as a hint from Sir Allen Apsley has already shown us ; and as far back as the 25th of April he had on that ground petitioned Dorchester for his freedom.† He was released ; but the proceedings against him were not dropped, and it was hoped, by timely employment of his influence, to subdue the agitation in Cornwall that had arisen at Eliot's detention. In this, as in so much else, the court missed their aim ; but Eliot suffered bitterly by Coryton's defection.

Nevertheless the day that announced to him the departure of all present chance of freedom for himself, brought to him also a blessed change. He was a safe but no longer a close prisoner ; and the full sense of it was first associated with a friend to whom he was deeply attached. Richard Knightley, the member for

\* These letters between Apsley and Dorchester, under dates respectively of the 23d and 24th of June 1629, are in the MSS. of the S. P. O.

† MS. S. P. O. 25th April, 1629. See also the Birch Transcripts, 24th April, 1630, for curious confirmation on this point.

Northamptonshire, whose son afterwards wedded one of Hampden's daughters, appears to have been anxiously watching the first opportunity to hold intercourse with him. He had before managed to convey a book to him; and the first person who claimed access to him under the new and less rigid rules was Knightley's servant, charged with a letter and some particular (perhaps temporary money) service, to which Eliot at once replied. And so, after nearly four months' silence, we are brought face to face with him once more. The restrictions were removed on the 24th, and this letter is dated on the 25th of June.

Though with much unwillingness, he writes, he becomes a trouble to his friends, he has for the present made use of Knightley's courtesy by his servant, which, God willing, should be carefully returned; and, he must have leave to say, his friend had in that, as he must acknowledge in many things, expressed so much, that, if particulars could add to the general merit of such goodness, they must increase even those engagements which formerly had obliged him in a perpetuity of friendship. True it was that in this new character of his friend's affection he had nothing more to observe than had been continually implied in the scope of all his actions; which, flowing from the true principles of virtue, as Plutarch said of Alexander, comprehended in every instance the habits of each kind. Yet he could not without admiration of the time but single out some circumstances for memory in representation of so much worth. And then, in all the fulness of his heart, Eliot poured himself out upon his friend.

To Knightley he desired in that hour to say that there *was* a friendship in adversity! A friendship not founded on the sand, not sown upon the stones, but growing against all violence and heat, and enduring all storms and tempests! A friendship that was voluntary and active, not waiting for invitation or desire, but taking

occasions of proof and demonstration! That friendship, and in such variety of instances as ingratitude could not prejudice, had sustained him in his trial. "Let me tell you," he adds, "in these troubles it is a great comfort to retheyne the affection of our friends. Among the manie mercies of my God that is not to me the least; and when in outward thinges I reckon them, there I still beginne." But should he enumerate all the blessings he had had, being fallen on that mention, his letter would become a story of His wonders who had given such liberty to remember them, and extend the paper to a volume. Let him therefore make in brief some confession to Knightley, whose prayers he knew he had had. For what could be more proper than to shew him the effect of his petitions, that so they might again be seconded with his thanks to glorify that Master who had been so propitious to His servant?

The passage that follows, giving account of his restraint, is of surpassing beauty. Conscious of his infirmities, knowing his helplessness, reminded always of the power of his adversaries, he has yet had such unshaken trust in the All-wise and the All-merciful, that in suffering all he has suffered nothing.

"Let me therefore give you some account of my restraunte: some generall notions of the apprehension that has follow'd it. For to that doth correspond the qualitie of each fortune, as God does sorte it to the frame and disposition of the minde. And from thence you shall see a reflection of such mercies that will represent a liberty in my imprisonment, and happines for miserie. Take it in this—and would I could give it you at full, to the latitude and extension of my hart!—more than in the tender sorrow for my sinnes, w<sup>ch</sup> unto God are a just cause of these afflictions I hope not unprofitable impos'd, I have not, in all these trialls that are past, felt the least disturbance yett w<sup>thin</sup> me. Noe daie has seem'd too long, nor night has once been tedious; nor fears, nor terrours, nor oppos'd power or greatness, has affrighted me. Noe outward crosses or losses have been troublesome. Noe greife, noe sadnesse, noe melancholic, has oppress'd me. But a contynuall pleasure and joy in the Almighty has still comforted me. The influence of His graces has enrich'd me. His power, His greatness, has secur'd me. His all-sufficiency has given me both a bould-

"nefs and confidence in Him, that noe attempt could move it. Consider this, and the weaknes of your friend (than whom ther is none has more infirmities), and judge what blessing he has had! Add but the incessant practise of the adversaries, and weigh how little power of resistance is in me! And then give me your opinion, on the whole, whether I have not been compassed about with mercy on every side. This, dear friend, does soe affect me, that I want expreffion for my joy! W<sup>ch</sup> I cannot yet but in some manner thus deliver, to incite your assistance to my God, that, as I presume you have been with me, in the competition of these blessings, I might againe receive yo<sup>r</sup> help in the retribution of my thanks; w<sup>ch</sup> is the acknowledgment of a debt unanifwearable by me, and onlie to be satisfied by Him that is both my advocate and pledge."

At that point he stops himself. He fears he has exceeded the proportion of a letter, but suggests his touching excuse. It was so long since he had held a pen! "*Having begunn againe to write, I forgett to make an end.*" Still let him not omit to thank Knightley for his book, which had been his counsellor and companion. He wishes he had anything to return worthy his acceptance. His prayers Knightley had; and when he might have liberty of more, in his friend's power it should be to command it. In the meantime he was to take that assurance that Eliot would be ever his "most faithfull friend and brother." \*

This tribute to friendship paid, family affairs awaited him; and here also we are admitted to his confidence. While we may imagine Knightley carrying eager assurance to their common friends that the king's "outlawed man," whom they know to be not "desperate in fortune," is yet very far from being "desperate in mind," Eliot has turned his thoughts to his motherless children.

#### IV. FAMILY AFFAIRS.

Eliot's two elder sons, John and Richard, were at this time at school at Tiverton; but as they were now of the respective ages of seventeen and fifteen,† he resolved to

\* From the MSS. at Port Eliot.

† By a memorandum from the Eliot pedigree in the British Museum

send them to Oxford. Knightley had a kinsman, a "cousin," who was tutor in one of the colleges there; the first result of the personal intercourse we have seen reopened between himself and that old friend was a resolution to place these youths under his kinsman's charge; and now his next use of the precious means of giving utterance to his thoughts, was a letter to them of fatherly advice and affection. In this we find embodied, for their guidance and use at entrance into that somewhat wider world than school had been, the moral results of his own past life in its lessons of experience and reflection.

The self-painted picture it affords is touching in its interest, and also timely and assuring. At first it seems a thought almost too painful that a life of such eager activity and daring service should here be changing into a solitude to end only in death. But at least this letter softens and subdues that pain. What his early studies and habits of thought have done for him, is here, at the most critical moment of their service, impressed upon us. We see that untiring action has but opened to him wider and wiser reflection; that philosophy has struck deeper root in him than passion; and that beneath his fiery resolution and will, in the silence of a noble nature and the cultivation of a learned and accomplished mind, has lain in a great measure heretofore concealed from us what will now be a support and consolation to the end.

He begins \* by telling his sons, that if his desires had

(for which I am indebted to the courtesy of Mr. Sims), I find that at the close of 1620, which with us would be 1621, five children were living: John æt. 9 (born 1612), Richard æt. 7 (born 1614), Elizabeth æt. 5 (born 1616), Edward æt. 2 (born 1619), and an infant, Bridget, named after Eliot's mother. Subsequently were born a son named Nicholas, a child who died, and two other children, of whom one was an infant at Lady Eliot's death, and who died during her father's imprisonment. Eliot's wife, "Radigund," or Rhadagund, is described as "sole heire of Rich. Gedie, Esq'."

\* This letter is the first of Eliot's twelve (not thirteen as stated *ante* i. 11-13), which, with nine by other friends, were published imperfectly, with all kinds of omissions and misreadings, by Mr. D'Israeli, now nearly thirty years ago. Each of the others will be noted as it occurs, its mistakes corrected, and its omissions supplied.

been valuable for one hour he had long since written to them; a circumstance which in little \* did deliver a large character of his fortune that in nothing had allowed him to be master of himself. Formerly he had been prevented by employment, which was so tyrannical on that time as all his minutes were anticipated. Now his leisure contradicted him, and was so violent on the contrary, so great an enemy to all action, as to make itself unuseful. Both leisure and business had opposed him, either in time or liberty; so that he had had no means of expression but his prayers, in which he had never failed to make God the witness of his love, whose blessings he doubted not would deduce it in some evidence to them. But having then gotten a little opportunity, though by stealth, he could not but give it some testimony from himself, and let them see his earnest expectation of † their good, in which both his hopes and happiness were fixed as in their sphere, moving with their endeavours though guided by the influence of a greater power.—Thus simply does he name the fact of his imprisonment to his children. How it affects him, they are afterwards to hear.

Great was the satisfaction to him, he continued, when he had intelligence of their health, and he blessed Heaven for it as some effect of his petitions. But there was yet a satisfaction to him infinitely higher. To hear of the progress of their learning, of their aptness and diligence in that; to be told of their careful attendance on all exercises of religion, and the instruction and improvement of the mind, which were foundations for ‡ a future building; *that* did infuse another spirit to him,

\* Mispointing in Mr. D'Israeli's version here gives the sense wrongly. I do not note mere words or other errors (as "*my*" for "*that*" in the sentence following) unless the sense suffers.

† "*Dearest expectation in*"—Mr. D'Israeli. The expression "*though by stealth*" seems to imply that even yet the old restrictions as to letters were not wholly removed.

‡ "*In all exercises of Religion:*" "*improvements of your minds:*" "*foundations of*"—Mr. D'Israeli.

and extended his comforts to a latitude that hardly was expressible. And he could not but in general so discover it, partly to intimate the pitch of his affections, that their course might level\* with it; partly to represent their own example to them, that they might not digress from the rule which practice and experience continually must better. Exquisitely conceived, and expressed with the most tender delicacy, were the passages that followed.

"It is a fine history, well studied (and therefore I more willingly propose it), † the history of ourselves, the exact view of our own actions; to examine what has past. It begets a great knowledge of particulars, taking of all kinds; and gives a large advantage to the judgment truly to discern, ‡ for it carries a full prospect of the hart, which opens the intention, and through that simplicity is scene the principle of each motion which, shadowed or dissembled, conceales the good § or evil. From thence having the trew knowledge of particulars, what we have done and how; and the judgment upon that, what our works save || to us; then come we to reflect upon ourselves, for the cenfure of each action, ¶ wherein every little error is discovered, every obliquity is scene, which by the reprehension of the conscience (the most awefull of tribunals) being brought to a secret confession, drawes a free repentance and submission for the fault, and soe is reduced to conformity again. This fruite has the study of ourselves, besides many other benefitts. The varietie of contingencie and accident, in our persons, in our fortunes, in our friends, are as so many lectures of philosophic, showing the doubtful being and possession we have here; the incertainty of our friends, the mutabilitie of our fortunes, the anxietie of our lives, the divers\*\* changes and vicissitudes they are subject to: which make up that conclusion in divinity, that we are but pilgrims and strangers in this world; and therefore should not love it; but our rest and habitation must be elsewhere. If I should take occasion from myself to dilate this point more fully, what a catalogue could I give of instances of all sorts! What a contiguity of sufferings, of which there is yet no end! Should those evils be complained? Should I make lamentation of these crosses? Should I conceive the worfe of my condition, in the study of myself, that my adversities oppose me? Noe! I may not; and yet I will not be

\* "*Rise*"—Mr. D'Israeli.

† The words within brackets omitted, *Id.*

‡ "A larger advantage to *your* judgments truly to *discriminate*"—*Id.*

§ "Which shadows or dissembles *for us* the good"—*Id.*

|| "Our works *are* to us"—*Id.*

\*\* "Divers" omitted, *Id.*

¶ "Of *any* action"—*Id.*  
I do not note many minor mistakes and mispointings.



" so stoical as not to think them evils, I will not do that prejudice to  
 " virtue by detraction of her adversarie. They are evils, foe\* I doe  
 " confesse them ; but of that nature, and foe followed, foe neighbouring  
 " upon good, as they are noe cause of sorrow, but of joy : seeing whose  
 " enemies they make us, enemies of fortune, enemies of the world,  
 " enemies of their children ; and to know for whom we suffer ; for  
 " Him that is *their* enemy, for Him that can command them ; whose  
 " agents only and instruments they are to work his trials on us, which  
 " may render us more perfect and acceptable to himself ! Should these  
 " enforce a sorrow which are the true touches of his favour, and not  
 " affect us rather with the higher apprehension of our happiness ?  
 " Amongst my many obligations to my God,† which prove the infinity  
 " of his mercies that like a full streame have been always flowing on  
 " me, there is none, concerning this life, wherein I have found more  
 " pleasure or advantage than in these trialls and afflictions (naie,‡ I may  
 " not limit it foe narrowly within the confines of this life which I  
 " hope shall extend much further) ; the operations they have had, the  
 " new effects they worke, the discoveries they make upon ourselves,  
 " upon others, upon all ; shewing the scope of our intentions, the summe  
 " of our endeavours, the strength of all our actions, to be vanitie !  
 " How can it then but leave an impression in our hearts, that we are  
 " nearest unto happiness, when we are furthest off from them : I meane  
 " the vaine intentions of this world, the fruitless labours and endeavours  
 " that they move, from which nothing foe faithfully delivers us as the  
 " crosses and afflictions that we meet, those mastering checks and con-  
 " traventions that like torrents beare§ downe all outward hopes ?  
 " Naie,|| this speculation of the vanitie of this world does not only shew  
 " a happiness in those crosses by the exemption which we gaine, but  
 " infers a further benefit on that, by a nearer contemplation of our-  
 " selves ; of what we doe consist, what originall we had, to what end  
 " we were directed ; and in this we see¶ whose image is upon us, to  
 " whome we doe belong, what materials we are of ; that, besides the  
 " bodie (which only is obnoxious to these troubles), the better part of  
 " our composition is the soule, *whose freedom is not subject to anie*  
 " *authoritie without us*, but depends wholly on the disposition of the  
 " Maker who framed it for himself, and therefore gave it substance  
 " incompatible of all power and dominion but his owne.

" This happiness I confesse in all the trialls I have had has never  
 " parted from me—how great then is his favour by whose meanes I have  
 " enjoyed it ! The days have all seemed pleasant, nor night has once  
 " been\*\* tedious ; nor fears nor terrors have possessed me ; but a constant  
 " peace, and tranquillitie of the mind, whose agitation has been chieflie

\* " For I doe"—Mr. D'Israeli.

† " My Creator"—*Id.*

‡ " And I may"—*Id.*

§ " Break"—*Id.*

|| " Naie," omitted, *Id.*

¶ " In this He"—*Id.*

\*\* " Nor nights have ever been"—*Id.*

"in thanks and acknowledgment to Him by whose grace I have subsisted, and shall yet, I hope, participate of his blessings upon you."

A sweet and tolerant wisdom is in the closing sentences, where, by application of that reasoning on the uses of calamity, he shows the quiet uncomplaining state in which a prison has found himself, and prays his sons to take no false or sorrowful view of that imprisonment, but to let it rather teach and console them. He had the more enlarged himself in that, that they might have a right perception of the condition which he suffered. They were not from any bye-relation, as through a perspective not truly representing, to contract any false sense of it. Neither could he think that to be altogether unuseful for their knowledge, which might afford them both precept and example. He would have them consider it, weigh it duly, and derive a rule of conduct from it. Where they found a sign or indication of some error, let them make it ever an instruction how to avoid the like. If there appeared but the resemblance of some virtue, let them suppose it better, and make it a precedent for themselves. Where they met the prints and footsteps of the Almighty, let them magnify the goodness of his providence and mercy\* that made such low descents; and consider that there was a nature turned all sweetness into venom, while from the bitterest herb the bee extracted a honey. "Industry, and the habit of the soule, give the effect and operation unto all things; and what† to one seems barren and unpleasant, to another is made fruitfull and delightful. Even in this, by your application and endeavour, I am confident may be found both pleasure and advantage. It‡ comes only as a testimony of my Love, and soe you must accept it, the time yielding no other waie of demonstration. By this expression know that I daily praise for your happiness and

\* "Providence and *miracles*"—Mr. D'Iraeli.

† "That to one"—*Id.*

‡ "This comes"—*Id.*

"felicity as the chief subject of my wishes, and shall  
 "make my continual supplications to the Lord, that  
 "from the riches of his mercie he will give you such  
 "influence of his grace, as your blessing and prosperitie  
 "may satisfy, and enlarge, the hopes and comforts of  
 "your most affectionat Father."\*

Shortly after this he communicated to his father-in-law the resolution he had adopted in regard to his sons. He made no reference in the letter to his imprisonment, further than by saying that when again he might have the opportunity of seeing him he should abound in happiness. Meanwhile great was the comfort to hear of his health "with all the little ones." He then told Mr. Gedie that he had written to Hill, his confidential servant at Port Eliot, to bring up with him at Michaelmas his two eldest sons from school to London, from whence they should go to the university; where there was a place provided, and a tutor in whose care he should have great assurance. Further, it was his wish that when John and Dick removed from Tiverton, Ned might go there in their room. Ned was a lad now ten years old, and his late loss of time had grieved his father. They had been keeping him at home because of a weakness in his sight. "I confesse to me," Eliot writes, "the prejudice of this seemes soe greate as hardlie  
 "can be recompens't. I hope God will blesse him with  
 "his growth to overcome the defluxion in his eyes,  
 "against wh<sup>ch</sup> I see noe practice does prevaile.. How-  
 "ever it's but a part, and not as precious as the whole;  
 "and therefore that first must be intended. I praie  
 "God to blesse him, with all his brothers and sisters, that  
 "they may be helps and comforts unto *you*; and by  
 "their dutie and obedience expresseinge that thankful-  
 "ness and gratitude w<sup>ch</sup> y<sup>r</sup> favours have deserv'd.  
 "Wherin *my* interests are double, both for my self and  
 "them: wh<sup>ch</sup> I shall be ever careful to acknowledge as

\* MSS. at Port Eliot. Endorsed, "To my Sonns: 3d July, 1629."

"an obligation that must binde me both in service and  
"devotion to remaine yo<sup>r</sup> most affectionate son-in-  
"law."\*

Alas! they were never to meet again. The opportunity which was to make poor Eliot abound with happiness was not to be vouchsafed in this world. In little more than a month after that letter Mr. Gedie was dead. The circumstances are not known to us beyond the suddenness, and the sad increase of trouble to the imprisoned Eliot at the thought of his children doubly fatherless by loss of that second home. Kind friends interposed, of course; and a letter addressed by him to one of these, Mr. Treise, who appears to have taken some part in the management of his father-in-law's estates, and who with his wife had been most active in service, survives to show us something of the difficulty in which the father found himself: with necessity to administer to Mr. Gedie's will, with doubts unresolved as to many of its provisions, with his own estates in trust, with danger of losing advantage of his father-in-law's bequests by uncertainty as to new trusts created as well as by inability to contest the disfavour of the crown, and with anxiety for his helpless children overmastering all. "*You see, sir,*" he writes, "*how like a flood of trouble I pour*  
"*myselfe upon you!*"

The letter was written amid the many troubles of the new term then just beginning; and when, as will be seen shortly, it was no longer doubtful that unless he consented to compromise the privilege of parliament he must submit to indefinite imprisonment. Yet as to this no complaint escapes him, nor a word that might indicate a faltering purpose. He begins by the remark that Mr. Treise must give him leave to take a fitter time than imprisonment to pay those thanks he owed him for the many courtesies he had received. But though the satisfaction were deferred, the acknowledgment should

\* MSS. at Port Eliot, August 1629. "To my father-in-law."

never cease. Abraham had brought him intelligence of his father-in-law's death, but no light of his affairs beyond that contained in a copy of his will. Upon this he would at once have written to Mr. Treise but for expecting his servant Hill would have brought him some larger knowledge. There were many things wanted towards his instruction, for a direction of that nature. The business consisted of divers parts, and must turn by several wheels. The many interests involved, Mr. Treise knew: in right, "in equity for the present." His friend knew the position in which the will placed him "for the time to come" in regard to those who held for him in trust: "wherein the intention of the donor must be clearly understood, and the feoffees *he* has trusted, how *they* doe apprehend it, that there may be a generall concurrence, a consent in the orders and dispositions that shall followe." He then continues:

"I meete with manie difficulties in the expressions of the will, which I desire may be resolved before I adventure on particulars: as, what time is meant by yeares of discretion, when the land shall be conveyed, and then, in the conveyance of the inheritances, whether the present possessions were to passe, and the mother, had she lived, must have stode at the courtesie of her children? These doubtles, which for haste I thus shortlie have propounded, you will easily understand, upon the recollection of those conferences which in this point formerly we have had. And therein I must crave a little explication from y<sup>r</sup> knowledge before I enter further, whose sense herein must be my direction. Of which, advise me as speedily as you may. And I will in the meantime heer endeavour the prevention of all prejudice. There are some things in the country carefullie to be intended in which I can [give] no p<sup>r</sup>ticular direction, having yet no knowledge or information for myselfe. But, as generally in all, I must therein depend upon y<sup>r</sup> help; and for the payment of rentes for Trebursey, Thorne, and others, wherein as I have learned formerly from my father in law it stands upon the danger of a forfeiture. *And to me you knowe there will be no aspect of favour.* What the rents are, and how payable, I knowe not: but I praie, use your care herein to cleare itt from that hazard, and to secure us by a speedie satisfaction. I did presume upon the diligence of Hill before his cominge up, that he would have entreated y<sup>r</sup> helpe to have taken an exact inventorie of all the stocke abroad; and for the care and preservation thereof, to have settled some present order and direction. *You knowe what reason*

" *I have to thinke all thinges are not too well. And I am sure the more*  
" *we delay this searche, if there be corruption, the more hard it will be*  
" *to cure itt. I praie, in y<sup>r</sup> great respects to me, for which I shall ever*  
" *be y<sup>r</sup> debtor, make some reflection upon this, and at y<sup>r</sup> leifure cast a*  
" *little eye upon it. I sh<sup>d</sup> be glad likewise, for your ease and to decline*  
" *the envy of those persons who I believe have no great affection to*  
" *you, if you could gaine some waie the assistance of Mr. Locke. I am*  
" *hopefull of his readinesse in regard of his great acquaintance with my*  
" *father in lawe: and if you please therefore to move him in my name,*  
" *tell him w<sup>th</sup>all I the sooner doe desire itt, to renew for myselfe the*  
" *like interests of friendship. You see, Sir, how like a flood of trouble*  
" *I pour myselfe upon you! and that y<sup>r</sup> willingnesse on some is made*  
" *an overture and occasion for more!*"

He prays him again and again to pardon it. Though the injury could not be too great in him that had no pretence to merit or deserve it, let not his goodness be discouraged from that exercise of charity. It was a large visit to a prisoner, and had so many other pieties that it could not go unrewarded. Though there should be a general ingratitude in men, heaven would requite it. And yet his own thanks could never fail. His prayers should daily witness it. And when, the present days being past, he should have opportunity of other acknowledgment, he would be in nothing wanting to the full satisfaction of his debt. For his children he had written to Mr. Treise's wife, who had been to them so kind a friend. He was indeed so much beholden to them both that he could hardly judge where the greater obligation lay. But the several engagements were so strong that they must ever bind him to be of both the most faithful friend. He then turns to Mrs. Treise, and closes the letter by some special words to her of earnest thankfulness for her kindness to his little ones.

Though he had not, he says, opportunity to give the least requital to her favours, and hardly time, such as with safety he might use, to reckon the particulars, yet his acknowledgment never could be wanting. That he must pay, and for it then her acceptance he craved. The great love she had expressed upon those children ;

the helps and advantages she had given them ; the cares and respects she daily used ; all this had rendered her even in the nature of a mother to them, and made him in his prison so much her debtor, that if all his endeavours were at liberty and employed in her service only, he must confess they would fall short of satisfaction. However, he desired the continuance of her favour, that, if there should be anything amiss, her direction might reform it ; and though he deserved it not, her own goodness would reward it. All the little ones he proposed, God willing, to leave with their mistress where they were ; but his daughter " Bessie " he would provide for in London, and about Candlemas he hoped to have her up. (Their mistress, who seems to have been partly partly their instructress and partly on the footing of a lady housekeeper, was named Polwhele ; and under her charge Mrs. Treise's daughter Mary had been lately staying with the orphan children.) " I knowe they will " be much joyed with company of your daughter Mary " at Trebursey. And Polwhele will take the like care " of her as of the rest. I pray leave her with them as " a figure of *your* presence, and for an occasion to make " *y* visits the more often." And so, with the most affectionate remembrance of his thanks and love, Eliot rests her assured friend.\*

This worthy pair will not again, or very slightly, appear in the imprisoned patriot's history ; but let their names hereafter have honourable and grateful memory for active and kindly service to him in his hour of sorest need.

#### V. TRINITY TO MICHAELMAS.

During the interval between the terms, made weary and long by the uncertainty in which all the prisoners had been left by the king's abominable artifice, the most important incident to Eliot was that of which de-

\* From the MSS. at Port Eliot : 17th October, 1629.

scription has been given. Up to the period of his father-in-law's death, there is indeed little to record; save that the privileges of his altered condition as a prisoner were extended to him more sparingly than to the rest, and that he continued to maintain the same quiet, resolute, uncomplaining temper.

Writing again to Knightley on the seventeenth of August, when his friend had sent another special messenger to him, indications escape him of a misgiving, for which afterwards there will appear to have been too much reason, as to the terms that might be proposed hereafter to accompany bail; and incidentally he illustrates the continued restriction put upon his intercourse with his fellow captives. It is only by sending round to their various lodgings in the Tower, Knightley's servant himself, that he can obtain the means of answering his friend's questions as to their health.

He begins by saying that he takes the opportunity presented by Knightley's man to send him some remembrance of the affections borne to him there, and the great impressions they take from the continued evidence of his friendship. Were anything going on in public affairs worth his reception, it would have been a happiness to convey it; and what concerned themselves in the Tower, though of less moment, he should yet have presumed to mention as an entertainment for Knightley's leisure, if it had any late occurrences unknown to him. "I thank God we doe all heer injoy our healthes; so much your messenger doth assure me, who gives it me in the relacon of his visits; and wee dailie have examples of the great providence that protects us. Ther appeares noe signe of alteration in our state, or an opening yett to libertie; *unlesse it be in such waies as I hope we shall not take it.* But we knowe ther is that will effect it in due tyme. The best intelligence we have is, that for the present we are utterly forgotten; which cessation happily may settle the humors that were



“ stir’d ; and then, it maie be, all things will returne unto  
 “ their temper. However, we shall await His leasure that  
 “ sustaines us, to whom, as I am confident we have the  
 “ competitions\* of our frends we shall dailie offer our  
 “ devotions, as for ourselves, for them ; and that there  
 “ may be some influence of His mercies yett to preserve  
 “ the happinesse of the kingdom, w<sup>ch</sup> consists in that truth  
 “ we have profest, and is incompatible of all impurity  
 “ or mixture. These desires I am sure cannot want yo<sup>r</sup>  
 “ help in goeing the waie of heaven, with which you  
 “ are soe well acquainted. Mine likewise shall earnestly  
 “ attend you, both in this and all things else that maie  
 “ expresse me to be yo<sup>r</sup> faithful frend and brother.”†

With the same patient resolution he writes soon after to a Cornish friend ; and the letter is noticeable for a passage which seems quietly to assert the consistency of his public conduct, to accept what he then was suffering as but the consequence and completion of what he had ever been doing, and to claim that his evening and his morning should be accounted as one. Thanking this “ Mr. Smithe ” for many other his favours, he specially acknowledges his last remembrance, which besides the assurance of his love imported an intelligence of his health, and in that respect was welcome. “ We have “ noe news to give y<sup>ou</sup> ; and if we had, I know you “ would not now expect it.” He means that the conveyance for his letter was not safe. Their condition, he adds, retains the same state it had ; but it was possible the influence of his wishes would so far work upon it as ere long it might have alteration. Mr. Smithe, it seems, had acquainted him with a general movement in Cornwall to address a petition to the king. “ However,” he concludes, “ I presume you have that confidence of yo<sup>r</sup> frend, “ that the desire of liberty cannott move him to such “ haste as might make him leave either his discretion or

\* He means the petitions of friends *with* their own.

† From the MSS. at Port Eliot : 17th August, 1629.

"honestie behind him; but that his Eveninge and his Morninge shall be One. And as in this, foe to you, I shall still make good what I have profest, to be yo<sup>r</sup> true frend."\*

In a month from the time when that letter was written, Mede was reporting to Stuteville that the whole county of Cornwall had presented to his majesty a petition in behalf of the gentlemen prisoners, that they might enjoy the benefit of the Petition of Right and be set at liberty.† But its only effect was to increase against Eliot the exasperation of the king. Shortly before, as already there has been occasion to mention, Eliot's old enemy Sir Barnard Grenvile had described to the court the complete failure of the musters in that county; and had stated it as owing to the "malevolent faction of Eliot" that everything was out of order, that all the deputy lieutenants were either fearful or unwilling to do the duties commanded them from the council, and that he was himself weary of his lieutenancy "seeing I see it so much undervalued."‡ But the king could take no lesson from the disposition or temper of his people. He was simply driven by it into courses more intemperate and dangerous.

A singular instance was afforded at this very time. Shortly after his second proclamation denouncing Eliot as outlawed and desperate in mind and fortune, announcing his disuse of parliaments, and forbidding as a presumption even the further mention of them, a tract was found to be passing secretly from hand to hand entitled *A Proposition for his Majesty's Service to bridle the Impertinency of Parliaments*, in which the sovereign was

\* From the MSS. at Port Eliot: 25th August, 1629.

† Birch Transcripts: 26th September, 1629.

‡ MS. S. P. O. From Tremeer, 19th July, 1629: "To my Honorable frend S<sup>r</sup> Jeames Bagge, Kn<sup>t</sup>. at Captayn Buckestons hows neir "St Martens church in Strand London." Six days later, I find the Earl of Bedford writing to inform secretary Lord Dorchester that he has, in obedience to the king's demand, signed a deputation of lieutenancy to Sir James Bagge for the county of Devon.

recommended with grave irony to abolish them outright as Louis the Eleventh had done, to substitute his own authority everywhere in place of law, and to raise money by a series of suggested absolute edicts.\* It was the reproduction of an old squib that Sir Robert Dudley had written in Florence in the old king's time, and, suiting exquisitely now the public temper, had a great run. All through this Trinity long vacation, says Rushworth, did that tract walk abroad, and go from hand to hand, sometime at court, sometime in the country, and sometime at the inns of court, the humour of the author being much enjoyed. But at last it came to the knowledge of the king, to whom the appreciation of humour was unknown; and led to the most contemptible prosecution on record even in the annals of the star-chamber. Copies having been traced to the Earls of Clare, Bedford, and Somerset,† to Selden, and to Oliver Saint John, all were dragged into that court. It being alleged to have come originally out of the library of Sir Robert Cotton, the library was put under seizure and closed; its learned owner was imprisoned by order of the council; and the same fate was inflicted on his librarian Richard James. These iniquitous things were done at the opening of Michaelmas term; they were persisted in for many months; the court covered itself in the process with ridicule and shame; and at last was too glad to accept the excuse of the birth of a prince of Wales to direct a pardon to every one implicated. This was at the close

\* A copy of this ironical performance is printed by Rushworth (*Memorials* i. App. 12-17). One of its proposals may be quoted: "Whereas the lawyers' fees and gains in England be excessive, to your subjects' prejudice: it were better for your majesty to make use thereof, and on all causes sentenced impose with the party to pay five pound per cent. of the true value that the cause hath gained him; and for recompense thereof to limit all lawyers' fees and gettings."

† This is one of Carr's last appearances in history. How he had been drawn into communication with the popular lords, and had obtained the favourable mention of Eliot (*ante* i. 415), has had notice in former passages of this work.

of May 1630; and in the same month of the following year Sir Robert Cotton died.\* The seizure of his library was a blow he had never recovered.

What pain this occasioned Eliot may be imagined from the many evidences I have given of his warmth of regard for that famous man. He had laughed with others at the pamphlet, little knowing the catastrophe it was to lead to; and at the very time was corresponding about books with Cotton's librarian, who thought only of joining in the laugh, being as yet also happily ignorant of the fate that awaited himself in connexion with it.

Richard James, who held a fellowship at Oxford, was an undoubtedly learned man. D'Ewes talks of him as a short, red-bearded, high-coloured fellow; a master of arts who had some time resided in Oxford, and had afterwards travelled; an atheistical profane scholar, but otherwise witty and moderately learned; who had so "screwed himself" into Sir Robert Cotton's good opinion, that whereas at first he had only permitted him the use of some of his books, at last he bestowed the custody of his whole library upon him.† In regard to men of profane scholarship the puritan baronet is not to be accepted for authority. James appears to have been

\* "He was presently thereupon sued in the star-chamber, his library "locked up from his use, and two or more of the guard set to watch his "house continually. When I went several times to visit and comfort him "in the year 1630, he would tell me they had broken his heart that "had locked up his library from him." D'Ewes's *Autobiography*, ii. 41. There is a royal warrant among the MSS. of the S.P.O. dated subsequently to that by which the various persons implicated are to be freed from restraint, directing that the studies of Sir Robert Cotton should still remain shut up, though he might enter therein and take any writings whereof he had use, provided he did it in the presence of a clerk of the council! Yet it appears clearly from a petition of Richard James's in the same collection, addressed for his freedom to Lord Dorchester, that Sir Robert Cotton was not conscious that he possessed the tract in his library, and had never seen it "until he received it from the Earl of Clare." He had only, with his usual liberality, permitted access to a person who had taken the opportunity of transcribing it. D'Ewes's assertion that James had taken money for granting such permission appears to be contradicted by the admitted facts.

† *Autobiography*, ii. 39.

amiable as well as really learned ; and though the religious element was certainly wanting in his friendly consolations and advice, Eliot had reason to be grateful to him for much that lightened his imprisonment. In religion also there was between them the sympathy of a common dislike of the Romish superstition, which James had ever the spirit and intelligence to denounce, as the ally of tyranny, and enemy to free societies and commonwealths.

In one of his letters written in September, James informs his "Deere Sir John Elliott" that if he shall not have come forth from the Tower after his own return from Canterbury he will make it his duty to find out some books to entertain his leisure. Meanwhile he has sent him Cardan and a few others : as to which Eliot replies that he has found therein much that was worthy of consideration. Then Mr. James wishes his dear Sir John to resolve him a point as to Lipsius *de Constantiâ* ; which, having leisure of a prison, he will peradventure be pleased once more to read and give his opinion whether in the writing of it Lipsius was not at the time meditating flight from the Hollanders. Eliot's attention is called to the "whining philosophie" with which a defence is attempted of the oppression of the Spaniards : grounded on fate, providence, necessity, remonstrance of greater tyranny in ancient time, and what James calls (in the old strict sense of the word) a wicked elevating, or carrying off, the natural affection which every true free heart must bear to his own country. It was a defect, James remarked with pardonable complacency, which he had himself elsewhere shown, out of Boccalini, to be caused mainly by the Roman superstition, and to have been a great spring and origin of the miseries that had befallen christian commonwealths. "This of "Lipsius," he concludes, "I did imagine before I ever "read him ; and if you find not my conjecture true, yet "there be many antique peices in him which may please

"a second or third reading."\* And so, leaving with the imprisoned philosopher that source of amusement, and with his heart blessing all Eliot's purposes, he rests his faithful servant.

Of one of those purposes, to which James's learning and sympathy, and the rare books at his command, very largely contributed, I have discovered that it occurred to Eliot at this time; that now first it began to take shape; and that the proper time and place for describing it will be here. In these earliest leisure days of imprisonment he projected a treatise which was found completely transcribed by him at his death, upon the right of majesty, or the principles and limits of kingly power. It is in three books; occupies between two and three hundred closely-written folio pages; and has elaborate marginal notes of extracts and citation from original authorities in nearly all the learned languages. These indeed overlay it to such an extent as in some degree to give it the character of having served as much for the entertainment of leisure as for display of the fruit and exercise of thought. One derives from it a prodigious impression of the variety of Eliot's scholarship and knowledge, and of the happy power he possessed of finding relief therein from suffering and sorrow, as Raleigh, in that very place, had done in the earlier time.

He calls his treatise, which remains still in manuscript at Port Eliot, *De Jure Majestatis*; and in its first book, which consists of seven chapters, treats of majesty in general. My account will be necessarily brief; but will perhaps sufficiently express its character and tone, and, independently of an occasional vein of reflection and reference which is personally very interesting, its really striking claims as a piece of learned and philosophic dissertation.

Towards the close of his third chapter, after exhausting precedents and anecdotes of the powers, duties, and

\* From the MSS. at Port Eliot: September 1629.

self-imposed restraints of kings in the ancient time, "this," he says, "makes a true difference between a king and a tyrant, that the tyrant abuses his great liberty, but a king will not use it when he may. The one usurps more authority than he should; the other does not exercise all the power that he might." And from this he warns the king who resorts to authority when he might use law, that "though neither man's law should judge him, nor man's authority punish him, yet God's law will condemn, and His hands, even by man's hands, execute vengeance on him, for his high power doth not exempt him from obedience to the lawes of God and nature, nor protect him from His Almighty arm."

After this he proceeds to relate "strange stories of the deaths of kings" in which the voice of the Creator had spoken to them. And it occurs to him to reflect that if kings, when disposed to injustice and endowed with power to inflict it, did but seriously think it possible that God might be reserving them to his own punishment from whom there was no appeal, against whom there was no power, from whose eyes they could not be hid, and whose sight they could not shun—they would surely not take that liberty to abuse their power "as now they doe. For, as winds when they blow most boysterously, then use they to cease most suddenly, soe mortal men when they exalt themselves most proudly, then use they to be neereest their downfall." Did it occur to Eliot, as he wrote, that even such a fate might be then preparing for the old proud fabric of the English monarchy?

One of his subtlest and best expositions is that of the way in which the Roman institutions of patron and client are traced out in their affinity to the Saxon and Norman "feudaries." He shows clearly and justly the character of this relation; each bound to each by mutual good offices, and the obligation so created upon kings. The origin and type of the subjection of kings he finds in

the old right of investiture. "For what can be more base  
" or abject than to come in manner of a suppliant before  
" his lords, with his armes put off, his spurs bound upp,  
" his head bare, and kneeling downe upon his knees to  
" putt his suppliant hands holden upp into the hands of  
" his lord."

Incidental to this, Eliot has a masterly and powerful argument on the theme that "the very essence of feuds  
" consists in services;" and he opens his sixth chapter with a plain and forcible statement against the *jus divinum*, and with assertion of the compact abiding in governors to keep faith with the people governed. "If majesty be denied to those that are bound to  
" perform fealty unto others, there seems not to be any  
" king or prince amongst christians that we can truly say  
" hath majesty. Because all do bind themselves unto  
" their subjects by oath, when they do enter upon their  
" governments; and divers doe interpret their oaths to  
" be oaths of fidelity. Whereupon the enemies of  
" sovereignty would infer, that subjects have no less right  
" and authoritie against kings, if they shall chance not  
" to keep their oaths, than kings have against subjects.  
" Because, say they, that by mutuall oaths they enter into  
" contract one to another. Now a contract is violated  
" when the essential condition of it is not kept. If princes  
" then do break the contract by ill usage of their subjects,  
" subjects also are no longer bound to keep their oath.  
" Because *qui fidem non servat, fidem sperare non debet.*  
" And in the oath is to be understood, the condition of  
" faith to be kept; w<sup>ch</sup> is generall in every contract;  
" which we are not bound to keep when he that con-  
" tracts with us did first fraudulently breake. Neither  
" ought he to expect any profit from a bargain that keeps  
" not the conditions agreed upon."

To this he adds with much candour what monarchic reasoning might allege to limit such powers of rebellion in the subject; and in a closing chapter discusses whether



a king is bound by the acts of his predecessors in the same form of commonwealth. As to that he has no doubt: "I answer that in all such kingdoms w<sup>ch</sup> kings receive from their subjects by compact, they must keep the laws of their predecessors, and may not alter them at pleasure. Not for that the power of the predecessor doth bind the successor, but because the subjects did so covenant with their king before he was king. At which time they were superior unto him, and did bind him to the laws." Resulting from which is an argument, very finely pursued, against frequent change in laws; the duty of the sovereign's place binding him to keep justice certain by no alteration of the law that is not imperatively called for. In this he alleges precedents from all history. "And since laws are the pillars and bands of the commonwealth, it must needs follow that the state must be dissolved when laws are undone at pleasure." Nor less eloquent is the closing argument against a prince exercising his prerogative recklessly. "It was well said by Julian, As I am slow to condemn so am I much slower after I have condemned to pardon."

The subject of the second book of the treatise, consisting like the first of seven chapters, is "*De Juribus Majestatis Majoribus*," its principal object being to define what and how many the rights of majesty are.

The first chapter treats of high and absolute rights; from which descent is made to inferior rights, such as those of administration, in the exchequer and treasury. And here occasion is taken to show the danger of favourites, and that no king can depute royal rights to a subject. Very different, on the other hand, was the power of deputing to subjects the privilege of making laws, and of this Eliot discourses eloquently. Then, in a third chapter, he handles that power of making laws, and "other rights that issue therefrom." Here again he incidentally protests against exercise of the pardoning power, using the same illustration which already has appeared in one

of his speeches ; \* and the passage is otherwise remarkable for its reasoning from the divine law against the king's power to pardon murder. I ought to mention that this power had been of late years frequently and grossly exercised by way of boon and favour to courtiers who were known to have received bribes or payment for such intercession. " St. Louis when he had pardoned one a wicked fact, and fell by and by upon the verse of the 106<sup>th</sup> psalm, Blessed are they that do Justice, he recall'd the man, and call'd in his pardon. " I am persuaded by these places that a king ought not to pardon murder : Numb. xxxv, 30-31 ; Exod. xxi, 12. Deut. xix, 10-13 ; 1 Kings ii, 31-33. Unless he would alter God's law, or annihilate it, wh<sup>ch</sup> he doth if he go about to change the unchangeable rule of righteousness."

Next, in an extremely eloquent passage, Eliot warns kings and all men of the necessity of observing strictly those supreme laws which proceed from the light of divine truth " left in men's minds since the fall ; " as separating the dishonest from the honest, and not to be evaded, qualified, or explained away ; " the same at Rome, and " at Athens, heretofore, now, and hereafter ; " and far superior to the power of princes. Here also occurs another incidental passage of extreme interest. Discussing still the various rights of princes, Eliot arrives at the power of conferring nobility : which he describes as given to a prince " at home only, in his own country, by " creation or office ; " and proceeds to confine within limits such as in later time had been scorned but could never without injury be overpassed. A very impressive remark accompanies this striking protest against the degradation of nobility by indiscriminate creations. Essentially we are all noble, he says, and all share in the lowering and degrading of the outward forms and dignities of rank. " A prince may make noble in his own state,

\* See *ante*, i. 334.

“but not abroad. By nature we are all alike noble :  
 “descended, all, of one common parent: soe that by  
 “nature none is base: *that* comes only by vice and bad  
 “manners. When Jack Cade told his fellow traitors  
 “who had conspired to root out nobility, that gentry,  
 “and all inequalities of dignitie, were an injury to  
 “nature, it was no assertion of a right, but only his  
 “ignorance and ill manners.”

In the fourth chapter of this book, Eliot treats of the power of making magistrates: and of “last appeal, proper to majesty.” In the fifth he discourses “of power of arms, and things belonging thereunto;” and here he quotes William of Malmesbury to show that king Stephen, when hard pressed by Henry afterwards the Second, had given power to his subjects to build and fortify castles in their own territories, but found himself obliged to withdraw it afterwards. The passage is interesting for the use he subsequently made of the same argument in a letter to his friend Bevil Grenville.

In the sixth chapter he deals “of the right that majesty hath over the church, and in causes ecclesiasticall;” and here he displays an extraordinary amount and variety of learning, under the guidance of much moderation and a philosophic spirit. He condemns synods and convocations, but advises princes to resort ever to the comfort of learned men, and never to go about settling religious points out of their own brains; since, “though all kings are not unlearned or unwise, many are both.” He adds very cautiously, of “universities and colleges,” to which it should pertain to hinder and render needless other less lawful assemblies, that out of them “may come much peril to the state if they be ill, much good if they be good.”

There is then a seventh chapter in which “the power of majesty *in re nummaria*” is treated of; and here the views expressed are sound, and clearly conveyed. He defines money as “the rule of law and common measure

" of all things which are poſſeſt in any ſtate; where-  
" upon it is called νόμιſμα, *nomiſma*," from the Greek  
word law, becauſe law and conſtitution made it the  
public meaſure; and he points out, by a ſeries of  
excellent economic examples, that if that meaſure of  
things be ever changed or troubled, all other things  
muſt needs be alſo changed and put out of order and  
courſe. With this he cloſes his ſecond book.

His third opens with an expoſition of the twofold  
rights of majeſty—the greater and the leſs. Having  
handled the greater in preceding paſſages, he now treats  
of the leſs, calling them rather "privileges of dignity and  
"high place" than "rights of majeſty." Neceſſarily  
this part of his ſubject is the leaſt intereſting; but there  
is yet much ability in its mode of treatment, and the  
ſame profuſion of intereſting authorities. At the cloſe he  
guards againſt the poſſibility of an inference, from any  
alleged ſupreme power in the king, againſt the ſafe and  
certain property of the ſubject. "He is in ſome fort," ſays  
Eliot, "in the caſe of a tutor who may not alienate the  
"goods of his pupil; or of a churchman who may  
"not paſs away the goods of the church; as being but  
"in place of adminiſtrator, not of owner. One ſaith  
"well, *Res regiæ dignitatis, non tam regis ſunt, quam*  
"*regni.*"\*

Such were the ſtudies and labours by which, though  
not completed till the later months, ſome part at leaſt  
of Eliot's priſon-leiſure was occupied during the interval  
between Trinity and Michaelmas. But as the later  
term came on, it brought back to all the priſoners im-  
mediate queſtions of preſſing perſonal concern; and ul-  
timately, to Eliot and one or two others, a ſudden change  
of abode.

\* In the ſame volume at Port Eliot which contains this treatiſe, there  
is alſo, much thumbed and uſed, and marked throughout in pencil by  
Eliot as if it had been cloſely ſtudied, "A Dialogue between a Counſellor  
"of State and a Juſtice of Peace," to which reference has before been made.  
See *ante*, i. 563.

## VI. FROM A PALACE TO A COUNTRY-HOUSE.

"Towards the latter end of the vacation," says Rushworth, "all the justices of the king's bench, being then in the country, received every one of them a letter from the council-table to be at Serjeant's-inn upon Michaelmas day." \*

They came up accordingly: and on the following morning, by special command from his majesty, the chief justice and Whitelocke attended at Hampton-court; conferred with the king as to the "business of the gentlemen in the Tower;" respectfully represented to him that the offences being not capital, the prisoners ought to be bailed, "*giving security to the good behaviour*;" and receiving his assent thereto, with intimation that the early attendance of the judges in town had been requested for that purpose, were further made acquainted with his majesty's intention to drop the proceedings in the star-chamber, and proceed by information in the king's bench against Eliot, Holles, and Valentine.

The cause of this change can only now be assumed; but there is little doubt that it had come to be considered ill-timed if not dangerous, in the existing state of the public feeling, to erect the star-chamber into a tribunal that would have to determine the privileges and power of parliament: and as, under pretended conditions of which the meaning was well understood, the judges, with the doubtful exception of the chief baron who was shortly to be suspended,† were ready to assert the jurisdiction of their

\* *Memorials*, i. 682.

† The ostensible cause of Walter's suspension, during this present October, from further sittings in the exchequer, has been shown by Mr. Bruce (*Calendar*, 1629-31, Pref. xxii-v) to have been a certain laxity shown by him, at the circuit immediately following the dissolution of parliament, in dealing with that resistance to the musters in Cornwall of which we have seen Sir Barnard Grenville so bitterly complaining. But the real reason for his suspension at this special time I believe to have been, as stated by Whitelocke (*Mem.* i. 46), that he differed from the rest of the judges upon the point of further criminal proceedings for acts done in parliament.

courts over an alleged offence committed in the house of commons; and as meanwhile they had now been induced, contrary to what was expected last term, to refuse even intermediate bail unaccompanied by conditions of good behaviour; the king had been shrewdly advised to rest upon the ordinary course of law, and commit to his judges the entire responsibility. Most efficiently by that means might not only the "impertinency of parliaments" be bridled, but that late impertinency also be rebuked which had accused the king of a settled design to trample on the laws. Both Whitelocke and Rushworth imply that the two judges who attended at Hampton-court were satisfied to have the information in the king's bench; but I shall have occasion to show that the chief justice afterwards made objection. Upon a much more remarkable point, however, what is left unsaid by Whitelocke and Rushworth is gravely misleading. They represent the judges, on this occasion, as interposing between the prisoners and the king to heal the breach by their good offices; and they make no remark on the new condition of "*good behaviour*" now for the first time introduced. In the arguments for and against bail during Trinity term the thing had never been hinted at. Four times had the matter then been discussed and no such question raised. It was in fact the whole point in issue; and we have seen how exactly Eliot foreshadowed the truth when, during the vacation, he expressed to Knightley his hope that their liberty would not be proposed on terms unworthy their acceptance. Those unworthy terms being at last, by pressure upon them during the vacation, conceded by the judges, the king might well affect, to all except Eliot, to make concession of everything else. To be bound to good behaviour in the charges at issue, was to be bound to desert the public cause; to be bound not again to bear arms against its enemies; to be bound to declare as of favour, and not of right, freedom of conduct and of speech in parliament. In his conflict with

his judges, in short, the king had triumphed ; and what remains to be described is simply their shameless betrayal, under empty judicial forms, of the laws they had sworn to administer.

The course it had been resolved to pursue with those excepted from the information, and generally as to bail with all, will appear from an outline of the unpublished correspondence with the judges remaining still in the public record office. It begins as far back as the 10th of September ; on which day, the condition of good behaviour being by this time understood and agreed to, a letter had been drawn up in the king's name for transmission to the judges of his bench, which Mr. Attorney, in enclosing to the secretary of state for approval, accompanied by the expression of grave doubt whether it would be prudent to carry out his majesty's wish to refuse bail to some of the prisoners and grant it to others. It was true that much difference existed between the faults of three of them, and those of the rest ; yet he was afraid there would be many inconveniences if a difference as to bail were made.\* The point ultimately was given up ; " Sir John Eliot and the others," as well as the prisoners generally, were to have the option of bail ; and upon intimation of its acceptance with the condition of good behaviour, a royal letter of grace was to be extended to such as the information in the king's bench did not include.

The next letter was written to the secretary by the chief justice after the Hampton-court interview. Hyde and Whitelocke on conference with Croke had agreed, and entertained no doubt of the concurrence of their brother Jones, that if the prisoners should refuse to put in bail on the direction received from his majesty, he and his fellows would remand them to prison ; and if they should afterwards move at the term, and it were

\* MSS. S. P. O. Heath to Lord Dorchester, 10th September, 1629.

necessary then to bail them, it should be done entirely on the ground of his majesty's letter of grace, "without declaring what the cause is." This, added Hyde, his brethren and himself believed to be according to his majesty's intention and pleasure. My lord the secretary in his reply undeceived them. His majesty had been much displeased by their closing intimation. It had never been his intention that the prisoners should have the benefit of his letter upon once refusing it, until after submission and pardon; and therefore he should not now sign the offer of grace until he knew how the chief justice and his brethren meant to govern themselves, if, after refusal of what was then offered, the prisoners should move for bail. It was his majesty's fixed determination that they should neither have their liberty by his letter, after such refusal, nor by other means, till they had acknowledged their fault and demanded pardon.\*

The chief justice's reply was lowly enough, but even he did not dare to accede to the last sweeping proposition of his majesty. He told the secretary that their brother Jones agreed to what was proposed, and for himself he thought it not possible that the prisoners should be so absurd as to stand upon terms of refusing his majesty's grace. My lord the secretary might depend that they should never be bailed by the writer and his brethren but in accordance with the king's letter; and that if they carried themselves insolently they should not escape punishment. But if such grossness were to be conceived as that they should first refuse to put in bail, and afterwards move for it without acknowledging their fault, he and his brethren were under the necessity of saying that though they might forbear bailing them for a time, yet bailable they were by law. By this the judges were bound; though they hoped to do it by his majesty's favour, and made no doubt of their ability to carry the matter

\* MSS. S. P. O. 30th September and 1st October, 1629.



to his good contentment. To this the secretary replied on the day following. Relying on their assurances, the king had signed the letters, but desired the chief justice to know that his further resolution was unalterable. In case the prisoners should decline his grace, he would recall his letters, and thenceforward peremptorily refuse them their liberty until after submission and entreaty for pardon. He required therefore to have knowledge, "with the soonest," how the prisoners governed themselves.\*

No time was lost. On the next day, Saturday the 3rd of October, all the seven prisoners were brought by writs to the chief justice's chambers at Serjeant's-inn. Holles, Hobart, Long, and Valentine were brought up first, and put in four several rooms. Against Long, it has been seen, there were special proceedings irrespective of his conduct on the second of March; and his case was first taken. Bail was offered him, "by his majesty's gracious pleasure," with the condition of good behaviour. "For a good while" he withstood the good behaviour; but his counsel, Mr. Erle, was so very urgent with him that at last, still declining to be bound for a time indefinite, he accepted the conditions until the first day of term. Hardly had he done so, however, when he learnt that Holles, Hobart, and Valentine had refused them absolutely; and, much repenting him thereat, he went again before the judges, entreated to have back his recognisance, and besought them to remand him to prison. "Whereunto they answered it was not in their power to revoke it: so he went home melancholy to his mother's house, and the day following received the communion at Mr. Shute's church in Lombard-street."† Hereafter will be seen what quiet mirth Long's temporary weakness excited in his friends.

The three recusants were again questioned by the judges on the arrival at Serjeant's-inn of Eliot, Selden,

\* MSS. S. P. O. October 1st and 2d, 1629.

† Birch Manuscripts. Made to Stuteville: 17th October, 1629.

and Strode ; when, at five o'clock on that Saturday afternoon, all six made formal appearance together before the judges. Their conduct, as Hyde admitted in describing it to the king, was "temperate and without offence." They objected not to being bailed ; but with one voice said they neither would nor could enter into the good-behaviour bond required, because it would imply they had misbehaved themselves in parliament, and they should thereby betray their innocency and the public liberty. Describing the result to the secretary on the following morning, Hyde said they had desired to be spared of the good behaviour, thinking it would tend to their disgrace and might prejudice their cause ; but the king was to be assured that the judges would never bail them without binding them to good behaviour. Long *had* been so bound, and was delivered ; but the residue were remanded. Let not the lieutenant of the Tower be prevented from bringing them at the term before the court, according to the writs granted at the end of the last term ; no other conditions than those before offered should be made with them ; and by their continued refusal they would make all men witnesses of their insolent spirits, and show themselves fitter for a prison than for freedom.

The lieutenant already had expressed his own views in the matter. He declared that he should not, without the king's special pleasure, open the Tower gates again for gentlemen who desired only to outface his majesty and his majesty's judges. Would my lord the secretary inform him if he was bound to do it? Mr. Selden had taken out his writ the last day of last term ; but the rest had only taken out theirs very lately, though, as their solicitors pretended, by the same rule of court. Was this legal? They had threatened him with actions of ten thousand pounds a piece if he should not let them forth ; but he should wait the king's directions.—The directions were that the writs should be obeyed ; and, on what was then the first day of term, Friday the 9th of October, all the

prisoners stood once more at the king's bench bar, with the lieutenant of the Tower by their side ; when Mr. Mason, speaking for Sir John Eliot and the rest, moved to have the resolution of the judges.

Thereupon the court with one voice said they were content the prisoners should have bail, but that they must also find sureties for their good behaviour ; to which Mr. Selden (the other gentlemen expressing their desire that he should speak for all) replied that they had sureties ready for the bail, but not for the good behaviour, and claimed that this might not be urged. The case, he said, had already long been depending in that court. They had been imprisoned for now more than thirty weeks. The question at issue had been repeatedly argued, on the one side and on the other ; and until now there had been no such matter imported into it. The counsel for the king had asked only for a remand, and their own counsel had claimed either bail or discharge ; but never had it been raised, on the one side or the other, until now that my lords the judges suggested it, that they should be bound to the good behaviour. He had to remind my lords that four several days had been named in the last term for the resolution of the court ; that the sole point questionable then, and for so long held in suspense, was *if bailable or not* ; and that they were now strictly entitled to ask that the matter of bail and that of behaviour might be severed, not confounded. Their demand for bail was a point of right. If it were not grantable as a right, they did not demand it. The finding of sureties for good behaviour, on the other hand, was a point of discretion merely ; and without great offence to the parliament, where the matters alleged in the return to the writs were acted, they could not consent to it.

The court made no attempt to answer this dignified and conclusive appeal. Nothing was said that was not an evasion. Jones intimated that as the return made no mention of anything done in parliament, they could not

in a judicial way take notice that the things alleged *were* done there. Whitelocke characterised good behaviour as mere matter of government, not of law; and as at times a necessary medicine for disorders of the commonwealth. Croke declared it would inflict no inconvenience, for that the same bail would suffice, and all might be written on the same piece of parchment. And Hyde thought it decent to warn the prisoners that if they then refused to find the required sureties, and were for that cause remanded, perhaps the court afterwards, as being acquainted with the cause, might not grant them habeas corpus at all, and, for aught he knew, they might continue prisoners seven years longer! They would do well, therefore, to accept the offered favour; seeing that if it were then refused, another time it might not be so easy to attain to.

The refusal was nevertheless repeated; and the lieutenant of the Tower, amazed (as he afterwards expressed himself\*) at such a result, was ordered to carry back his prisoners. Serjeant Ashley rose in the court and offered himself as bail for his son-in-law. Holles thanked him, but thought the condition too hard. Long was told he must renew his recognisance; but having remarked that he now thought the good behaviour a

\* "May y<sup>t</sup> please yo<sup>r</sup> Lo<sup>ps</sup>," the good man wrote to Dorchester not many days afterwards, "I have looked over presidents boath before my tyme and sine boath of parliament men and otheres that have been prisoner<sup>s</sup> heere, and howsoever [sure] some of them have ben of their innocencie, yet I fynd no president to parralell theise prisoner<sup>s</sup> p<sup>r</sup>sent. The Earles of Oxford, Arrondell, Lyncoln did often and humbly petition his Ma<sup>tie</sup>. Sr Robrt. Phillipps and M<sup>r</sup> Mallory comitted for speetch in parliament house—Phillipps peticoneth that y<sup>t</sup> was the gretest misery could fall upon him in the world, worse then death y<sup>t</sup> self, that the kinge was displeased with him; and Mallory befought the kinges p<sup>r</sup>don and mercie. And Sr Edward Cook being heere comitted for offending the kinge in the court of wards humbly beseteth his Ma<sup>tie</sup> favor and MERCIE, setting down that word in great capitall l<sup>r</sup>es, that his Ma<sup>tie</sup> might take notiz of y<sup>t</sup> the moore. But *theis* prisoneres will not see much as petition they are sorry the kinge is offended w<sup>th</sup> them, although in discourse they cannot denie but "hee is a traytor that is not foe!" MSS. S. P. O. Sir Allen Apsey to Dorchester: "haft theise at court or at his house in the Deanes y<sup>a</sup>rd."

very "ticklish point" and could not consent to it, he was informed that he should have his desire and go back to prison. Strode told the judges as they turned away that he thought two things at least should be granted them: permission to attend on Sundays at church, and once a week at that bar to demand their liberty. Hobart also moved my lords for more freedom in their imprisonment. But on these points no reply was vouchsafed. The marshal of the bench took charge of Mr. Long, and the other six went back to the Tower.\*

During this extraordinary scene, witnessed with varying emotions by the crowd that filled the hall, the attorney-general had taken occasion to say, upon Hyde's warning as to the time they might have to lie in prison, "that by the command of the king he had an information ready in his hand to deliver in that court against certain of them." The information was exhibited after their departure; and was the subject of an interview on the rising of the court between the chief justice and Heath, who, in a very remarkable letter to the secretary of state four days afterwards, described what had passed, as well as the result of his own further consideration of what now should be done with the prisoners.

He had conferred, he said, with the lord chief justice, the lieutenant of the Tower, and the clerk of the crown. The chief justice was against proceeding with the information. "My lord thinketh it the best way were to dispose of them eather where they nowe are or to other p<sup>r</sup>sons at the kinges pleasure, and ther leave them as men neglected until their own stomackes come downe, and not to p<sup>r</sup>ferr any information at all, they being nowe safe, and soe shall continue. But I dare not subscribe totally to his opinion to forbear the in-

\* Very characteristically, Selden, before going, left his majesty's judges to consider an objection taken by him to the validity of the writ they had sent to the lieutenant for them, which, he said, being wrongly directed *Constabulario*, whereas it should have been *Locum-tenenti Turris*, rendered all proceedings grounded thereon void in law!

" formation : nor could I conveniently alter his opinion  
" with reason, leaft I should thereby discover too farre  
" the kinges intention touching them which is fitt to be  
" as counfells."

In other words, what the old king would have called *arcana imperii* had prevented a frank communication. Heath's master having his own secret as to Eliot for perfifting with the information, Heath had not cared to look below the surface for Hyde's reasons against it. He seems hardly confident about it himself, but accepts it as a settled thing. He then paffes to the other prifoners, whom the information was not to include; and as to whom the hope appears now to have been to induce them privately to fubmit and ask the king's pardon.

He had conferred with the lieutenant of the Tower as to their charges in prifon, and their means of inter-courfe with friends; the expectation of reducing the temper lately manifested by them being held mainly to lie in thefe directions. "Mr. Lieutenant faietieth that if they  
" have the liberty of the Towre by the kinges com-  
" aundement onely, by that they are out of the kinges  
" charg; and being HIS prifoners he can fee there should  
" be noe extraordinary refort to them, & w<sup>th</sup> him ther  
" charg will be deeper then in other prifons, & I am  
" pfwaded he will be the beft keeper and his eye will  
" discover thofe who refort moft to them, by which ther  
" affections will be much discovered, and it will be no  
" hurt that the king have that opportunity to difcerne  
" fuch from others better affected."

So therefore it might be left in regard to *them*. But now Mr. Attorney has to ftate the refult of his conference with the clerk of the crowne. "By

" After this is  
" donn, they may  
" be fent back to  
" the Towre or  
" any other prifon.  
" the clerk of the crowne I find ther is a  
" neceffitye that for theis three againft whom  
" the information [is] prpared, which are  
" Sr John Eliott, M<sup>r</sup> Denzell Hollys, & M<sup>r</sup>  
" Beniamyn Valentyne, they should for the present be

“ sent to the p<sup>r</sup>son of the kinges bench, because other-  
 “ wife they cann not by p<sup>r</sup>cez be compelled to aunswere,  
 “ but beinge in Custodia Marefcall they are to aunswere.  
 “ This may be done by this course only: That his Ma<sup>ty</sup>  
 “ be pleased to signe a warrant to M Lieutenant to  
 “ carrye them before one of the judges when it shall be  
 “ required by me on the kinges behalfe; then on a sud-  
 “ dayne and in an evening they shall cōe to Seriantes Inn,  
 “ and be turned over to that p<sup>r</sup>son and charged w<sup>th</sup> the  
 “ information.” Such were the precautions that had  
 become necessary to prevent any public demonstrations  
 of sympathy!

Heath closed his almost illegible scrawl by reverting  
 to the other prisoners, and saying that if the king pleased  
 to have *them* remitted solely to the lieutenant's charge,  
 he would send his lordship the secretary a draft of the  
 forms by which the warrants might be so altered; which  
 for the present he could not do, because Mr. Lieutenant  
 was not to bring him the copies until that afternoon.

The king's endorsement remaining on this memorable  
 epistle shows in what manner it was received. “ For  
 “ answere to lett y<sup>e</sup> Atturrie knowe the K will have the  
 “ informaōn goe forward. That it is not here compre-  
 “ hended why the prisoners should not as well answere  
 “ out of y<sup>e</sup> Towre as y<sup>e</sup> K<sup>es</sup> Bench; but if y<sup>r</sup> be, the Att  
 “ MUST shewe y<sup>e</sup> K y<sup>e</sup> reason of it, and then his course  
 “ will be followed.” \* His majesty's real objection Heath  
 well knew. By Eliot's removal to the custody of the  
 marshal greater facilities would be offered for his bail;  
 it would be no longer possible to refuse him the day  
 rules to which all the marshal's prisoners were entitled;  
 and opportunities for public avowals of sympathy might  
 be given. To these points therefore he addressed him-  
 self in replying on the 15th to the secretary's letter em-

\* MSS. S. P. O. 13th October, 1629. Lord Dorchester has further en-  
 dorsed it: “ Mr. Attorney y<sup>e</sup> 13 8<sup>ber</sup> rec and answered y<sup>e</sup> same day by  
 “ Audit<sup>r</sup> Fanshaw.”

bodging the king's minute. He explains the "reason and necessity" to be that the defendants may be charged with the information about to be filed against them. They should not however be permitted to appear in court, where they might have opportunity to vent themselves; but the chief justice should send for them on a sudden to Serjeant's-inn, where nothing should be done but to commit them to the prison of that court, and charge them with the information. *Bailed they should not be, even if they offered it.* The information was ready and to be filed that day. The king might be assured of the resolution of the chief justice that *they*, even if they relented, should not be bailed until the king were first made acquainted therewith; and Mr. Attorney would take care that the entry thereof upon record should be *per mandatum domini regis*, and not as if done *mero jure*.—With this the king was satisfied. He wrote by his secretary the same day to tell his attorney that he liked very well of his care in the whole business, and likewise of my lord chief justice's resolution.

And so the information was filed; and on the night of Thursday the 29th of October, Eliot, Holles, and Valentine were brought privately from the Tower to the chambers of the chief justice, and there, being charged and required to answer, were committed to the prison of the marshalsea. As Eliot playfully expressed it, they left their palace in London and betook themselves to their country-house in Southwark; where they found Walter Long.

Before the close of the term, in exactly the language of Eliot's former plea in the star-chamber, Holles and Valentine had joined with him in pleading to the jurisdiction, and taken issue with Mr. Attorney on his demurrer. Heath had wished the judges at once to overrule the plea without calling for a demurrer; and it would have been the simplest course to adopt. But to men secretly



conscious of the injustice they were to commit, the outward forms of justice were all-important; and with one voice they refused that application of Mr. Attorney, required him to demur, and appointed for the solemn farce of arguing a plea as to which their minds were made up, and to his majesty had been already privately declared, the second day of Hilary term.\* Hardly had this been done, when Holles quitted the country-house in Southwark. No clue is left by which we can discover the cause of this sudden step, or any motive or excuse for the submission which undoubtedly was made by him; except that Mede had written to Stuteville some days before to say that "Mr. Holles was so much importuned by his wife and her friends as it was said he would at length yield to be bound to his good behaviour."† His father-in-law Ashley and Noye were his sureties, and they with himself were bound in large sums. It is certain that Eliot never afterwards reproached him, but that they continued on friendly terms.

The country-house and the palace were the same to Eliot, though to his friends outside the change seemed at first to promise some chance of speedier liberation. Bevil Grenville wrote eagerly to him on hearing it: telling his "Dearest S<sup>r</sup>" that, while he was deprived of his greatest happiness, the seeing Eliot, it would be his next to hear from him that he was well; which he covetously desired, and should ever pray for as a Public Good. He knew the unfitness of the time for any

\* His last legal appearance in the present term is indicated by a scrap among his papers of a character so horribly hieroglyphic, that without the always ready aid of my friend Mr. Bruce I should have failed to decypher it: "Receaved of Mr. Valentine S<sup>r</sup> John Elliotte his reioynder the last of November about six of the clocke—p me, Jasper Wat'house, clarke to Mr. Kelynge." Mr. Kelynge's clients were greatly to be pitied if Mr. Jasper Waterhouse was in the habit of writing to them. But of all the various unintelligible scrawls which have tried my patience and fight during the composition of this book, I think Mr. Attorney Heath's very nearly the worst.

† Birch Transcripts, 7th November, 1629.

copiousness to pass between them, and therefore would use none. Only he begged to know as his greatest cordial, whether there were yet, from late events, any more hope of so great a blessing as the seeing Eliot shortly in the west. It was not fit to say more, but he could not be quiet without saying something. "Farewell, and love him that will live and dye yo<sup>r</sup> faithful-  
" left friend and servant, Bevil Grenvile." He dates from "Cheefwicke," from which he is about to travel to pass his Christmas in the west; and adds a postscript which shows he had not yet heard of the defection of Holles. "My best service I pray remember to y<sup>r</sup> two noble consorts, whose well-being I shall noe lesse pray for than yrs. The Noble Master of this house kisses yo<sup>r</sup> hands; than whom, you have not an honest nor truer  
" Friend."

Eliot replied on the same day, Grenvile's messenger doubtless waiting; and told his friend that if he could but make agreement and reconciliation between his power and will, he should, instead of those poor lines, return himself for answer. His readiness to serve him could not be in question, and his affection to be with him carried too much reason to be doubted. The times only were malevolent, and would not admit him to that happiness because he was not worthy. But his desires and wishes should attend him in his journey; and from his "consort" in captivity Grenvile had the like service. (Beyond this quiet intimation that he had now only one companion of the two "consorted" with him in Mr. Attorney's information, he makes no reference to Holles. Walter Long, whom the marshal held under another charge, was not referred to.) His letter closes, as it begins, with mere friendly compliment, to which he was too often perforce restricted; but it has a beauty and grace of expression that lifts it to the writer's level. "While  
" you remaine w<sup>th</sup> yo<sup>r</sup> noble friend, whose you nowe are,  
" my better part waites on you. When yo<sup>u</sup> are travel-

“ling, my affection still muste followe yo<sup>n</sup>. When that  
 “trouble is at end, and yo<sup>n</sup> arrive at the presence of yo<sup>r</sup>  
 “La: (that center both of yo<sup>r</sup> felicitie and rest) there  
 “shall I likewise meete you in intention.” The Lady  
 Grace was his especial favourite; and to her he desires  
 his friend to say, for him, that to which her many favours  
 had obliged him to whom no “liberty” was granted for  
 satisfaction but his thanks, too slight a retribution for so  
 much excellence of merit! To neither of them could  
 he make other payment than the representation of his  
 service, for which no argument but their charity could  
 assure him of acceptance; yet, there, experience made  
 him confident as he remembered their many demonstra-  
 tions to their friend and servant, J. E.\*

The difficulty of reaching Eliot safely by letter  
 appears on the face of almost all this correspondence.  
 Some few days after the above, Thomas Godfrey sent  
 up from his seat at Grantham, by a special messenger, to  
 tell his “Noble Sr” that the cause of his not writing  
 before had been disappointment in a safe conveyance;  
 and that now he chose rather to send that way than be  
 suspected of neglect to so worthy a friend, “whom I  
 “doe more love than anie man breathing, and whom I  
 “doe intreat the Lord for, as for myselfe.” It was a  
 thing, the good man added, that God was very well  
 pleased with, that his children should be earnest with  
 him one for another, as well as for themselves. He had  
 had sweet trial of it lately by such a dangerous sickness  
 of his wife that there was cause to fear the Lord would  
 have taken her to his mercy as being too good for the  
 world to enjoy any longer; but this had caused many a  
 good prayer to be sent up to heaven in her behalf which  
 he was verily persuaded had been very preservative.  
 Those and many other trials the Lord had for his  
 children, *as Imprisonment and such like*, to bring them nearer  
 to himself, like a loving father chastening his children to

\* From the MSS. at Port Eliot, 26th November, 1629.

make them better. All which the pious Mr. Godfrey did assure himself the noble Sir John Eliot did find by experience in his own case, from the many trials he had had of God's favour in that kind. For the increase whereof, and that he might continue in so doing, he should heartily pray. "My wyfe doth rememb<sup>r</sup> her " respecte to you." \*

Another and greater parliament man, Mr. John Hampden, had also been taking many opportunities meanwhile of showing interest and service to his imprisoned friend; and both the sons of Eliot were now passing their first college vacation at his house in Bucks. It had at this time come to his knowledge that, among other matters which were occupying Eliot in his prison, he had been writing upon one in which they both were deeply interested. Both, in that evil day for religion and freedom, had sent their thoughts across the wide Atlantic towards the new world that had risen beyond its waters; and both had been eager in promoting those plans for emigration which in the few succeeding years exerted so momentous an influence over the destiny of mankind. It was in this very year that the company of Massachusetts-bay was formed; and though the immediate design had scarcely at first extended beyond the provision of a refuge abroad for the victims of tyranny in church and state at home, it soon became manifest that there had entered also into it a larger and grander scheme: that with mere security for liberty of person and freedom to worship God, had mingled the hope of planting in those distant regions a free commonwealth and citizenship to balance and redress the old; and that thus early such hopes had been interchanged respecting it between such men as Eliot and Hampden, Lord Brooke, Lord Warwick, and Lord Say and Sele. Hampden had now requested to see what had been prepared by Eliot, as well in reference to this subject as to his political treatise

\* From the MSS. at Port Eliot, 9th December, 1629.

(*De Jure Majestatis*); for though the former only is referred to in a note of Hampden's happily preserved, Eliot's reply has allusion to both, and remains at Port Eliot with transcribed passages of his treatise accompanying a draft of twelve folios drawn up in his handwriting, and endorsed "*The Project for New England. for Mr. Hampden.*" \*

The opening allusion in Hampden's note had reference to the change from the Tower to the Marshalsea, and the improvement in way of freedom it implied. He told his "Noble S<sup>r</sup>" that he hoped *that* letter would be conveyed to him (from which we may infer that others had been less fortunate) by a hand so safe that Eliot's would be the first that should open it: or if not, yet since he now enjoyed, as much as without contradiction he might, the liberty of a prison, it should be no offence to wish him to make the best use on't; and that God might find him as much His, now he enjoyed the benefit of secondary helps, "as you found Hime yo<sup>n</sup>" "while, by deprivation of all others, you were cast upon His immediate support. This is all I have, or am willing, to say; but y<sup>t</sup> y<sup>e</sup> paper of Considerations concerning y<sup>e</sup> Plantation might be very safely conveyed to mee by this hand, and, after transcribing, should be as safely returned, if you vouchsafe to send it mee. I beseech you present my service to Mr. Valentine, and Mr. Long my countryman, if with you, and let me be honored with the style of yo<sup>r</sup> faithful friend and servant, JO. HAMPDEN." †

Eliot's answer is the first of his letters to Hampden that have survived to us, and, merely complimentary as it is, bears upon it the unmistakeable impress of what as yet the world knew not, but Eliot assuredly had found, and of which the sense led him soon to select, for the

\* It is further entitled: "The grounds of settling a Plantation in New England: Objections, and replies thereto."

† MSS. at Port Eliot, 8th December, 1629.

deepest and most affecting of his confidences, this wise and noble person. His letters, he tells him, had a great virtue; and besides the signification of his health and love, imported such variety of happiness in his counsel and example *that it made a degree of Liberty to have them*. Might they but prove the prediction and preparation to more! Such as he then felt he was bound to devote in its proportion to his honour that had conferred it in chief, poor as the retribution and acknowledgement there would be. In Hampden's service he should be glad ever to employ it. His merits had so great an obligation on him, that no command or opportunity should be neglected or refused. The papers he had required were therewith sent; written as hastily as he believed they were composed. He had had no leisure time to examine them; and of the first copy had made but one short and superficial view, wherein, though he had little satisfaction, he dared not make censure to such a friend: but when they returned, if they should appear worthy, he should be bolder to render his own opinion of them. In the meantime, having nothing else *of which he dared* then to communicate, his affections being wholly Hampden's by a former disposition, kissing his hands he rested his most faithful friend, J. E.\*

The reply of Hampden, after three weeks' interval, was taken to Eliot by a common friend not known to us, but not unlikely to have been captain Waller, who had been sharing the Christmas hospitality of Great Hampden with John and Dick Eliot; and all the beauty of the writer's character is in his allusion to those youths. If his affections could be so dull, he writes, as to give way to a sleepy excuse of a letter, yet the bearer, their common friend, had power to awaken them, and command it: "to the public experience of "whose worth in doing, I can now adde my private of

\* MSS. at Port Eliot, 10th December, 1629.

" his patience in suffering the injuries\* of a roughhewen  
 " entertainment: to be tolerated by the addition of your  
 " sonnes' company: of whome, if ever you live to see a  
 " fruite answerable to the promise of the present blossoms,  
 " it will be a blessing of that weight as will turne the  
 " scale against all worldly afflictions, and denominate  
 " your life happy. I returne your papers with many  
 " thanks: which I have transcribed, not redd: the  
 " discourse therefore upon the subject must be re-  
 " served to another season: when I may with better  
 " opportunity and freedome communicate my thoughts  
 " to you, my friend. Till then, with my salutations of  
 " all your society, and prayers for your health, I rest  
 " your ever assured friend and servant JOHN HAMP-  
 " DEN."† The hour in which he read this letter was  
 perhaps the happiest Eliot yet had known in his im-  
 prisonment.

But he has had a glimpse of freedom, too, in that  
 interval since he sent the papers to Hampden. The  
 marshal of the prison permitted him now to attend  
 morning lecture occasionally; and on a Thursday early  
 in December he was met by Knightley's servant bearing  
 a letter and a present of some game, as he was going to  
 the lecture at St. Mary Overy's. The man's haste was  
 such that he could not stay an hour for Eliot's return,  
 and so his acknowledgement had been delayed. He  
 could at that time however make the assurance all the  
 more full, for of those tokens of Knightley's remem-  
 brance both his fellow-prisoners Valentine and Wat  
 Long, "and other friends," had since partaken. He  
 could not say they had been an occasion of the giver's  
 remembrance, which never was forgotten; but as an  
 expression of his favour they challenged "a thanckes,"  
 and that he was commanded by all of them liberally to

\* This is one of the letters printed by Mr. D'Israeli, who mistakes "in-  
 "juries" for "miseries."

† MSS. at Port Eliot, 4th January, 1628 (9).

give. And then he pleasantly notices a bantering message that Knightley had sent him about their friend Long's late excess of caution in the matter of good behaviour. His counsel and example, he tells him, prevailed far with "Watt" for charity; and he purposed now to resolve his jealousies into terms compatible with that virtue. Did not Knightley know that it was possible for caution and circumspection to be granted in such a measure as to supply even "the compleat armour of Solomon?" Well, those defences Long meant in future to retain only for strengthening and security, without admission of anything that could weaken or divide; and, as he presumed for allowance and consent in that, a reconciliation must surely follow. He felt that he need not himself further interpose. He would only add his wishes for confirmation of them both. Then he adds more gravely the expression of his regard for a repentance, and frank admission of a weakness, which was rarely ever so prompt or full as Long's had been. "I find on "his parte a cleer intention to agreem<sup>t</sup>, a remission of "everye attribute that's ill, and a retention onlie of the "contrarie, to wh<sup>ch</sup> I knowe you readilie will concurr; "and soe w<sup>th</sup>out anie difficultie or help the composition "is made perfecte." He closes by saying that his own prayers did always follow Knightley, and that so only, until he might have other opportunities, he could best show himself his friend and brother.\*

\* From the MSS. at Port Eliot, 10th December, 1629. I may subjoin here two brief notes which belong to nearly the same date, and show Eliot's continued interest in the old officers associated with him in the days of his vice-admiralty. They are addressed to Sir Henry Marten's chief clerk at the admiralty, and their object is to interest him in a cause which his own old marshal John Norber (see *ante*, i. 61-2) had then depending in that court: "Mr. PULLEN,—I spake to yo<sup>r</sup> master at my beinge with him in the be- "halfe of a servant and frend of myne, the bearer John Norber, concerninge "a cause of his dependinge in the Admiraltie upon the pointe of reprimall "for a shipp called the Angel Raphaell of Amsterdam, wherein his dispatch "and expedition will be a great part and proportion of the justice. I pray "doe me the favour (who for other reasons must forbear to attend him "either in this or other sollicitation of my selfe) to give him a remembrance



Before Eliot heard again from his friends outside the Marshalsea, he had received therein once more the friendly companionship of Selden and Strode, whose solicitor, upon some special application, had succeeded in obtaining order for their removal from the Tower. They arrived in time to partake of Christmas hospitalities from Sir Oliver Luke, who had written to Eliot on the 28th of December with a large present of what he called his "country's lumber." His letter also was otherwise interesting. Dating from "Hanse" to his "Noble" and deare friende," he told him that though he well knew that a good cause and meaning were excellent preservatives both for the inward and outward man, yet because he likewise knew that the various perplexities which accompanied troubles, the indisposition of place, the inaptness of seasons and time, were but too likely to endanger health, which was all his fear, he could not but make that enquiry, hoping he should receive the wished-for return of his well-doing. Sir Oliver needed no assurance that his friend's eye had been constantly set upon the last end of all troubles, which was to grow better; and therefore now his only care was of "that little thynn carkasse" of Eliot's, nothing doubting but that God who had in mercy vouchsafed protection hitherto, would go through with the work, for which, being all he could himself do, he should daily pray. He

"of it, and to assure him that his favour in this cause shall be an argument  
 "of his affections to me, who for your assistance like wise will be alwaies  
 "yo<sup>r</sup> faithful friend. J. E." This was written on the 15th of December;  
 and on the 24th of the next month there is another brief note with further  
 interesting reference to Marten himself: "Mr. PULLEN,—I once before  
 "wrote a word or two to you in the behalfe of my servante Norber, to desire  
 "your remembrance for him of a cause solicited by him in the Admiraltie  
 "concerninge a ship called the Angell Raphaell. I had formerlie spoken  
 "thereof to S<sup>r</sup> H: M. my selfe, and would now againe (had my busines  
 "afforded mee that leasure) have importun'd his favor therein. I know it  
 "needs not, in a cause of justice, w<sup>th</sup> particular instances to move him; but  
 "to testifie that confidence, and the assurance I have in him, I only use  
 "this as occasion to renew my obligations, by w<sup>ch</sup> I am bound to serve  
 "him; and for the intimacōn wilbe ever yo<sup>r</sup> affectionat friend, J. E."

might be large in the expreffion of his cares and fears, but that were only to go far about to demonſtrate what might truly be concluded in the few words avowing himſelf in all things affectionately and faithfully Eliot's. "Now give me leave," he added, "to preſent to you and yours theſe, this country's lumber, wherein you may behold a ſmall demonſtration of large affections. I deſyre to be remembered to all there, with Mr. Selden and Stroude as you have opportunitye. What you think fytt either concerning your particular, or the generall, I pray lett me heare, for newes will be a wellcom new year gyfte. And ſoe, dear friend, receive the reall and affectionatt love of your OLIVER LUKE."\* And then came a poſtſcript in the ſame bantering vein as Knightley's about poor Walter Long. "I pray tell Watt I deſire to know howe he nowe lyks Demuſſs, and Benn Vall that I ſtuddy hard to counſayle *him* ſafely."

Eliot's answer was written on the laſt day of December 1629, new year's eve, as it was called alſo then, though the new year's reckoning dated only from the 25th of March. He began by ſaying that he had at beſt no ſatisfaction but his thanks for the great obligation Luke had upon him; and that at this time he was ſo ſtraitened in all liberty of expreſſion that he might deſpair of pardon if not helped by his friend's charity, which, even as the hopes of retribution were cut ſhorter, ſtill ſo multiplied his favours as if the object only were the demonſtration of itſelf. Then to theſe phraſes of compliment ſucceeds what it is very pleaſant to be told and to remember. The happy picture cloſes moſt fitly this year of Eliot's doing and ſuffering, in themſelves too noble to be otherwiſe than happy. "In evidence of that kindneſſe I have now received the large preſent you have ſent, of w<sup>ch</sup> to enumerate the particulars, were almoſt to come in ſome degree to merritt it. It has a happie ac-

\* MSS. at Port Eliot: "Hanſe," 28th of December.

“ ceptance of all those to whom I know you likewise did  
 “ intend it; and some extension further than yo<sup>r</sup> mean-  
 “ inge. This in respect of Mr. Selden and my countri-  
 “ man,” [Strode] “ whose beinge now removd from their  
 “ Pallace in the Tower to their Countrie House in  
 “ Southwarke, are both partakers of that and your re-  
 “ membrance, wh<sup>ch</sup> seemes foe auspicious to that little  
 “ libertie they have gotten, as they take [it] for a pre-  
 “ diction of more. They came hither by the like  
 “ writt as we did, granted uppon a motion only of the  
 “ sollicitor; and are now in the same termes w<sup>th</sup> us uppon  
 “ the pointe of good behaviour, attendinge the dif-  
 “ cretion of the judges. We are all quiett, troubled  
 “ w<sup>th</sup> noe newes of alteracō. Our suits stand in the  
 “ condicō that yo<sup>u</sup> lefte them. Mr. Valentine against  
 “ all accidents is fortified by your counsells. Nothinge  
 “ cann deterr him: nothinge cann remove him. Mr.  
 “ Long still affects the opinion of demurrers before  
 “ answeres; but in conformation to the reason of  
 “ the tymes he now prefers silence unto them both.  
 “ They all command me to a large presentation of their  
 “ service; wherewith, and the acknowledgment of my  
 “ debt, I conclude myselfe yo<sup>r</sup> most faithfull friend,  
 “ J. E. I praie represent my humble service to your  
 “ ladie. Ult: Decembris 1629.”\*

And so, in their country house in Southwark, for brief  
 space, we leave the friends. With January there has  
 come the Hilary-term; and the courts, the judges, and  
 their counsel, are waiting to claim them once more.

#### VII. AT COUNSELS' CHAMBERS.

On the 26th of January, 1629—30, the first Monday  
 of Hilary-term, Eliot, Valentine, and Holles pre-  
 sented themselves in the king's bench court, with their  
 counsel. Mason, Bramston, and Holt appeared for

\* MSS. at Port Eliot, 31st December, 1629.

Eliot ; and the same counsel had been assigned to Holles. For Valentine, Mason and Calthorpe appeared.

As Mason rose to speak on Eliot's behalf, the chief justice interposed. It might save trouble if he informed the prisoner's counsel, he said, that the judges had all made up their minds as to the point that, on parliament being ended, any offence committed therein criminally or contemptuously, rested punishable in another court. Jones, Whitelocke, and Croke successively said the same ; and that the only two points for argument, therefore, were whether such an offence had been committed, and, if so, whether it was punishable in that court.\*

Undaunted by this shameful prejudgment of all that was really important in the issues raised, Mason again arose and delivered his argument. Not a little of it, as I find by Eliot's papers, had been the result of repeated conference and correspondence between him and Sir John ; and it was singularly powerful and able. He reopened all the questions which the judges had attempted to set aside. By a constant and continuous series of precedents he showed that the liberties and privileges of parliament could only be determined therein, and not by any inferior court. He challenged their lordships to the proof that the liberty of accusation against great men, such as the knight for Cornwall had claimed and exercised in the speeches cited in that information, had been always considered as parliamentary, and not noticeable by the king. He repeated the words against the lord-treasurer and others imputed to Eliot, to show that they were in the nature of impeachment of persons in power, such as the commons in parliament had undoubted right to prefer. By elaborate instances he established how frequently the judges had declined to give their opinions on such subjects, as beyond their jurisdiction. He pointed out that whatever examples might be brought,

\* *St. Tr.* iii. 294-5.

on the other hand, to show any punishment after a dissolution for the alleged offences of members, were but isolated acts of power, for which sanction had never been obtained; and that, assuming the commission of such offences to be possible, it was for a future parliament alone to punish them. Finally, he enlarged with great force upon the danger, by overruling that plea, of so weakening or preventing such future services in parliament as to inflict upon the people of the realm irremediable wrong. The case in the importance of its issue was great, rare, and without precedent; and he warned their lordships of the alarming consequences of determining it otherwise than in parliament. No one in future would venture to complain of grievances in the commons' house if he could be subjected to punishment at the discretion of an inferior tribunal. For let their lordships observe that neither the clerk of parliament, nor any member thereof, could be bound to disclose to a petty jury the particulars which might be essential to an impugned member's defence. He would be disabled altogether from defending himself. Words were speakable in parliament without slander which could not be so spoken elsewhere; yet he who was charged with having uttered slander therein would have no means to compel any to avouch on his behalf; and of justification, evidence, and witness, he would be wholly debarred. And so Mr. Mason prayed judgment for the defendant.\* The court, drily remarking as he sat down that a great part of his argument had been nothing to the question, appointed the next day's sitting for resumption of the case.

Next day they all again appeared, and Mr. Calthorpe argued for Valentine. He restated forcibly the reasons urged by Mr. Mason, and strengthened them by additional precedents. When he had closed, seeing the ma-

\* The report of Mason's argument in the *St. Tr.* (iii. 295-9) is much less perfect than that which exists among Eliot's papers, but all the leading points are comprised in it.

nifest disposition of the judges, the defendants claimed another day for a third argument by Serjeant Bramston on behalf of Holles, to which they were entitled. But the judges refused, and called on Mr. Attorney. Heath condescended to only a brief reply. He said, as to what was alleged of offences committed in a parliament being punishable by a future one, that the king was not bound to wait; and that the commons' house had no power to proceed criminally except by imprisoning its members. He admitted the reluctance of judges in former times to adjudicate matters of privilege, but that had only been "sitting the court;" and after dissolution there had rarely been hesitation to do so. Upon Heath's resuming his seat, the court at once delivered judgment. They were unanimously of opinion that their court had jurisdiction, though the alleged offences were committed in parliament; and that the defendants therefore were bound to answer. Jones said that privilege did not cover an offence committed criminally. Hyde said it was not a question whether an inferior could meddle with a superior court, but whether, if particular members of a superior court offended, they might not be punishable in an inferior court; and he thought they could. Whitelocke declared that no burghs of parliament, being mutinous, ought to have privilege; and that the behaviour of parliamentary men, in order to be protected, must be parliamentary. Croke announced his opinion that in the court of king's bench all offences were examinable which were against the crown; and that anything unlawful could not be in a parliamentary course.\* And so the defendants, their plea overruled, and with direction that they must further plead before a certain day of that term, were ordered to be remitted to custody.

That was on Tuesday the 26th; and so literally did the marshal of the bench construe the last direction of the judges, that on leaving the court intimation was made

\* For these various surprising judicial *dicta*, see *St. Tr.* iii. 306-9.

to Eliot and Valentine that their day rules must be suspended, and personal communication with their counsel intermitted. This unusual and unwarrantable restriction formed the subject of an application to the court next day, when the liberty asked for was renewed; but a day had been lost, which then could ill be spared.

I learn this fact from a paper found in Eliot's handwriting among the manuscripts at Port Eliot, which, though not addressed to anyone, is in the form of a letter for the information of friends; and of which the design is to clear away false impressions, and explain, by memorandum of what had passed *seriatim* between the day when their plea was overruled to the day of the judgment against them on a *nihil dicit*, how it was that they had failed to reassert, by further plea in open court, the principle they maintained against the crown. Eliot strongly objected to a judgment by default, as carrying with it by implication an admission of the matters charged; and from any share in the responsibility of assenting to it, this paper triumphantly acquits him. It affords also a striking picture of what defendants in a crown prosecution had then to contend with, not from servile judges only or sharp attorney-generals, but from the indifference and delays of their own advocates and counsel. In that day, as in more recent time, a few leading men absorbed the principal practice; and to take the briefs, and pocket the fees, was not necessarily to be always ready to pay back the service honourably due. In the present case there was the further fear, more active than in later time, of incurring court disfavour; and neither Bramston nor Calthorpe, both of them soon to have high preferment,\* had his heart in his business. The result I am now to give. "To satisfy your doubts," writes Eliot to his imaginary friend,† "upon the late conclusion of our business, and to shew

\* Bramston was lord chief justice when the great case of ship-money came on, and took the lead in the memorable judgment against Hampden. Calthorpe succeeded Mason as recorder of London.

† This remarkable paper is dated 15th February, 1629 (30).

“ you *whether our counsell or their clients have been faultie*, I shall give you a clear relation of all passages in that point; and, as farr as truth has power, by a deduction of the tyme dispel the mists and clouds of your intelligence.”

He proceeds to say that being, on that first Tuesday in the term, overruled in their plea to the jurisdiction, and put to answer over, they had, the same day, a disability cast on them by a commandment from the judges restraining them to their prisons; so that they had not liberty to give or take instructions from their counsel. In that strait they rested till the next day, and thus lost the opportunity of so much time; when the judges, seeming at last to consider the difficulty they were in, gave them an enlargement, and opened to them “ a way of possibility to endeavour ” the accomplishment of the order of the court.

Having received that favour on the Wednesday, he continues, the next day they addressed them to their counsel; and for preparation to the work, according to the weight and consequence it imported, consulted in the general what was the next expedient. What the new plea should comprise and settle, he then expresses with admirable clearness. “ In this, two considerations did arise: the satisfaction of the court, and the privilege of the parliament, involved as you know in the merits of our cause. And, both those mutuallie resolved on, soe far we determined to give satisfaction to the court as might be without prejudice to the privilege of parliament; and likewise we intended, with the observation of that privilege, in all due to endeavour the satisfaction of the court.” A conflict of duty difficult to reconcile; but not impossible to men who could separate the greater from the less, and, paying respect to dignity and authority, could hold higher the claims of conscience and the laws.

From the Thursday to the Sunday included, without



the intermission of a day, the subject was discussed with their counsel. "Several consultations" were held; much "disquisition and deliberation" indulged; and many objections in law taken to the course they desired and had proposed. Unfortunately, on the Monday and Tuesday these discussions were interrupted. The cause of Walter Long had come on in the star-chamber; and their counsel being engaged in it, could afford no more leisure till that business was despatched: "as they afterwards in a publick narrative of that time, made an account unto the judges."

The next day, Wednesday the 3rd of February,\* brought with it a more serious interruption. This day had been appointed, by previous agreement with Selden and Strode, for renewing the application in form upon their writs of habeas which had been rejected the last term. In the morning they repaired early to the court in hopes of an immediate interview with their leading counsel: but "in seeking them at Westm<sup>r</sup> (such as we us'd for preparation, w<sup>ch</sup> you know is not the worke of manie) in the morning, we found them attending in the star-chamber. Upon their dismissal thence, they againe resum'd our cause; and having renew'd the considerations that had past, and the disquisitions recollect<sup>d</sup>, they then desir'd that a generall meetinge might

\* On the previous day he had answered a letter from Knightley. It is little more than an excuse for not writing, but has sufficient interest to entitle it to preservation: "Sir, Your last letter I receav'd; but by whom it came, or how long a progresse it had made, I knowe not. It wanted date, and came accidentally to my handes; soe as I have nothing certaine w<sup>th</sup> it but your love, the best, and of all the most welcome, intelligence. You maie not impute it to a slownes that I write not often. The assurance y<sup>e</sup> have in me I hope will excuse that. *Conveyances are uncertaine, and papers noe good secretaries for these tymes.* My heart, and affection, you have alwaies. More I have not usefull, unlesse it be some service in this sphear to which nowe my motions are confin'd. Wherein, when you shall give the occasion, I shall shew a readinesse unlimited. Yo<sup>r</sup> friends here are all well, and present their service to you. Our prayers doe followe you, and are continuall intercessors for yo<sup>r</sup> happinesse; in which my sacrifice is not wantinge, but has the dailie incense of a faithfull friend and brother, J. E."—MSS. at Port Eliot, 2d February, 1629 (30).

" be had of all our counsel at one place ; that soe, by a  
" common discussion and debate, a conclusion might be  
" hasten'd. With this intention having parted, we were  
" check't again that night by a new commandment of  
" restraint ; and soe continued, precluded of our liberty,  
" until Sundaie after." This petty act of tyranny was  
a piece of spite of my lords at the renewed application  
for bail. " They wondered much they should again  
" demand what so often had been denied them. What !  
" come they to outface the court ! " Whereupon a rule  
was immediately entered to deprive them of their  
accustomed liberty of walking abroad in the day, and to  
confine them altogether to the prison of the bench.\*

Not until Sunday was this harassing restriction taken off.  
Upon that day, " about noone," they had an order from  
the court of " a peremptory day prefixed ; " directing that  
if they pleaded not by the Tuesday following, a judgment  
upon a *nihil dicit* would be given against them : and in  
this order a rule for their liberty was included to give them  
access to their counsel. " Upon the receipt of this,"  
Eliot writes, " we again resorted to our counsel, who had  
" been in some wonder at our absence ; and having  
" made them acquainted with the order (that being a  
" time more proper for devotion than for lawe), we  
" agreed then onlie for the generall meeting to be had  
" on the next daie following. The next daie, being  
" Mondaie, according to that agreement, the rest of our  
" counsel met at Sarjant Brampst'n's chamber, and there  
" attended till seven o'clock at night. But, having lost  
" that time, and the Sarjant not come in, his absence and

\* It gives us some confidence in the general accuracy of Mede's letters  
to Stuteville, to find his account of this matter so completely in agreement  
with Eliot's. Mentioning the application and its result as in the text, he  
adds : " But on Sunday morning, another rule was sent to Gilbert Barrell,  
" their attorney, whereby he might give notice to Sir John Eliot and Mr.  
" Valentine (Mr. Holles being already out upon bail) that they had liberty  
" given them against Tuesday next following to confer with their learned  
" counsel about framing an answer, if they would, to Mr. Attorney's infor-  
" mation."—Birch Transcripts, 12th February, 1629 (30).

“ the lateness being oppos’d to the greatness and difficulty of the worke, they resolv’d for the present upon a motion to the judges showing the straitness they were in, and to desire a further daie, that precipitation and immaturitie in their councils might not prejudice either their clients or themselves.”

This application was made on Tuesday the 9th ; and so clearly was the necessity for it established, by “ a true deduction made of our diligence and attendance to that time,” that the judges were unable to withhold compliance. Judgment was deferred ; and the order to plead was renewed and enlarged for Thursday, the next day but one after.

The anxiety of the prisoners now was very great. Besides the remainder of that day, they had only one full day more, and on Friday the term closed. To add to their misfortunes one of their counsel, Mr. Holt, had deserted them ; and in all they had now only five. Nevertheless by great exertion having “ laboured the meeting,” they got “ the greatest part in readiness and attended at the place, the Sarjant’s chamber as before ; the Sarjant and Mr. Calthrop, two on whose judgments we especiallie relied, being awaie. Failing of them, and the whole daie being spent in expectation of their coming, about seven o’clock we parted with the rest, engaging them by promise to meet againe the next daie following.”

Late in that February evening as it then was, Eliot tells us, it was yet resolved to make another effort to redeem the strait they were in. The desertion of one of their counsel was fair ground for application that his place might be supplied ; and abridged in so many opportunities, so much shortened in time, they resolved themselves to make personal suit for this act of justice. By this means also it was hoped, by showing the distress they were in, that some ground might still be laid for a rule to carry them over the term. Eliot went himself to the lord chief justice, but he was abroad. (“ Sitting

"at the Guildhall, as we afterwards understood by the publick apologie of Mr. Calthrop and the Sarjant in that pointe, who were for other of their clients then attending him.") From Hyde's chambers Eliot went then to Whitelocke's, and had somewhat better fortune. Hearing "the relation of their cases" that judge granted assignment of the counsell, and appointed them to attend next morning for the rule. The new counsell named was a man afterwards very famous, and already in good and competent practice as a barrister of Lincoln's-inn. His name was Lenthal.

The last day allowed them now was come; but though Mr. Lenthal failed not of his help, he could not give the help on which they most relied; and they were doomed to the disappointment of another weary day of watching and waiting, with no result, for the men to whom they had committed and trusted all. "The rule being had," says Eliot, "the Wednesdaie with the like diligence we travailed to procure the meeting of our counsell; drew them all together at the former place, except the Sarjant and Mr. Calthrop; waited for *them* long, till 8 o'clock at night; and in the end, being again disappointed of that helpe, we were enforc'd to prefs the consideration on the rest: who, comparing the difficultie of the cause with the straitnes of the time, resolv'd for the present nothing could be done; and, in excuse of their clients and themselves, the next daie to give the judges a representation of their attendance, and to desire time till the next terme: ther being of this but one day more remaininge."

It was a desperate venture. The court, which had assembled on this morning of Thursday the 11th prepared to deliver judgment, heard the application; received "with some difficultie" the excuses proffered; barred at once all hope of deferring over the term; but ultimately, at the suggestion of Whitelocke and Croke, so far gave way as to admit a further con-

sultation then and there, with intimation that if counsel could show reason why they could not so suddenly dispatch, such further favour might be extended as was possible *within* the term. "For this," continues Eliot, "we retir'd into a corner of the Court of Requests, the best place that that time gave us for a cause of such importance. And there, after a few considerations had been rais'd, were found so manie difficulties, that the counsell all resolv'd special pleadings must be made: and those could not have so short a preparation. With this answer they returned to the court and againe prest for the next terme. But that could not be obtained. Onlie we had granted *a libertie till the morninge, and that before the court sate*: with an injunction on our counsell in the mean time to attend it."

Even then they had not abandoned hope! On that afternoon, "*at last*," they obtained a full meeting of their counsel in conference, at which Bramston and Calthorpe were present; and they sat till nearly nine o'clock at night. Eliot describes the "much agitation and debate" that ensued; and says that finally "some generall conclusions were accorded, and those, as heads, given unto a clerk for the preparation of the pleas. The clerk, thus instructed, profest his diligence to the work, but w<sup>th</sup>all told us in that time there was no possibilitie to effect it. And thereupon the counsell join'd in a resolution to make remonstrance to the court: what endeavor had been us'd, what difficulties they had found, how farr they had concluded, what directions they had given: and that, without more time, nothing could be done. Wh<sup>ch</sup>, by way of protestation, they would offer for their clients and themselves. Upon this resolution we parted, about nine o'clock at night: and, from thence, went presentlie to the king's attorney to intimate so much to him. From him we went likewise to the judges; and, after some

"attendance, spake with the L<sup>d</sup> Chief Justice; made him the narration of our worke; and soe left the successe to his judgment and the court's." \*

What passed on the next eventful morning, when out of the lips of Mr. Justice Jones the "successe" declared itself, Eliot was not present to hear. The anxiety and labour of which he has made, from day to day, such affecting record, had overtaxed his strength; and he was in bed with illness, "contracted from cold and watching."

But to that final meeting he had taken a paper drawn up by himself, stating in a simple dignified way the precedents and reasons on which he desired to rest his inability to join in any other plea than one that should dispute the jurisdiction; and this paper he meant himself to have read in court on the following morning, if, notwithstanding the representations of their counsel, judgment on a *nihil dicit* were persisted in. Sickness prevented this, and now it first sees the light. It is his protest against submitting in silence to a sentence assuming, though of mere form, that he could make no answer to the matters charged against him. It is the record of his belief that in the laws, justly administered, resided a sufficient power of protection for that higher privilege of parliament from which they derived life

\* From the MSS. at Port Eliot. I here subjoin, reserving only a few lines for use in the next section, the close of this interesting paper: "This is the true storie of our labours; and at this period we were taken. Wherein whether the faulte were of our counsel or ourselves your wisdom must determine: my partiality and interests excluding me from censure. I have been too longe in this relation, carrying all circumstances before me; but the advantage I have seen (even in great workes) drawne from little minutes, has given this extension to my libertie that the whole course might be conspicuous to your viewe, and soe the election freer on what to place your judgment. Our intentions, I presume, noe prejudice can touch: being cleer from all obstructions; in all most readilie affectionate to the present satisfaction w<sup>ch</sup> was urged; thereby not impeaching the privilege of parliament, and soe far onlie carefull of the parliament as our duties to the lawes and their just satisfaction did require. And thus having open'd the true state and confidence of our cause, being confident in your justice, I submitt it, and rest your friend and servant, J. ELIOT."

and permanence to themselves. And it will fitly close my story of his last vain but gallant struggle to overcome the obstructions to justice interposed then, as too often still they are in a later and less dependent time, by the useless forms, the harassing uncertainties, the indifference to right, the cruel and wearying delays, of WESTMINSTER-HALL.

“BEFORE THE COURT OF KING’S BENCH.

“*Non Poteſt ulter: reſpond: ꝙc.* For though, *in foro judicii*, I am ſatisfied, and with all readineſs ſubmit to the reſolution of this court, yet, *in foro conſcientiæ*, I am doubtful that by a voluntary act in me, it may hereafter be obnoxious to the cenſure of the parliament.

“My ſafety, I know, is either way engaged; and it is a great difficulty I am in. To do that which may be thought a prejudice to poſterity, incurs the danger of the parliament. Not to give ſatisfaction to this court, incurs the hazard of your cenſure. In avoiding either difficulty, preſent or to come, danger cannot but ſurpriſe me.

“In this ſtrait therefore I muſt deſire your favour to take the reaſons that do move me: that it be not thought a conſcience of guilt or doubt of juſtification that deters me, but merely a tenderneſs in myſelf in point of duty to the parliament—a fear of future cenſure in that court from which there is no appeal; and, further, that my ſilence and conſeſſion induce not a prejudice of my act.

“My motive, then, is drawn from the reſolutions of the parliament, whereof I will mention ſome: as theſe:

“Claim of the Lords:  
“Rot. parl. no. 7.

“11. R. 2<sup>d</sup>.

“The common lawyers  
“and civilians were by the  
“King conſulted in this  
“caſe; and thereupon the  
“parliament declared that  
“they ſh<sup>d</sup> not be ruled by  
“any courſe in inferior  
“courts.

“Rot. proceſs. & judicat.

“1. That all great matters moved in parliament concerning the peers of the realm ought to be handled, diſcuſſed, and adjudged only by courſe of parliament, and not in inferior courts. Which right was then acknowledged and approved by the King.

“2. Upon the appeal brought againſt the Archbishop of York, the D. of Ireland declared that by the ancient cuſtom and right it appertained to the franchiſes and liberties of parliament to judge in ſuch caſes, and not to any inferior courts.

“Theſe reſolutions, together with the Proteſtation of the Commons

“ made in the 18th of James\*—not to speak of the almost innumerable  
“ instances and examples showing in parliament no other ways of pro-  
“ ceeding than by bill, and proving it to be a judicial court of power as  
“ well over others as themselves, which I doubt not but Mr. Attorney  
“ himself doth know or will find, notwithstanding his assertions here—  
“ all this, I say, tells me that parliaments have ever pretended to such  
“ privilege as we crave; and that the claim is as well ancient as modern.  
“ Wherof *in foro conscientie* being perswaded, it has an obligation on  
“ my duty, that I may not be an actor in this scene; though with all  
“ humility I submit, and patiently undergo the judgment of this court.

“ Drawing such motive from the resolutions of parliament, in con-  
“ formity of that likewise I find the resolutions of the judges: as that  
“ in 27 H. VI.

“ Rot. parl<sup>t</sup>. no. 18. “ 1. Where all the judges, being consulted by the  
“ King upon the question of precedence between  
“ Earls of Arundel and Devonshire, did answer  
“ that it, being matter of parliament, ought to be  
“ decided there only, and not elsewhere.

“ (And if not a private question of prece-  
“ dence, how much less the public business  
“ of the land !)

“ 31. H. 6.

“ Rot. parl<sup>t</sup>.

“ no. 25, 26.

“ 2. In the case of Thorp Sp<sup>r</sup> imprisoned by the  
“ Duke of York, wherein the judges, likewise  
“ being consulted, after sad deliberation had  
“ answered that it belonged not to them to deter-  
“ mine the privileges of parliament:

“ { 1. Because it had not been used afore-  
“ 2. time: That the parliament was a  
“ Reasons. { court so high and mighty that it  
“ could make law, and that which  
“ was law it could make no law.

“ Wherein to my understanding it is clear both in the affirmative and  
“ negative, that such matters as concern either the privilege or business  
“ of parliament, have their decision belonging properly to parliament,  
“ and no way to any judges or inferiors: which in former times appear-  
“ ing by the opinions and resolutions of the judges, concurring with  
“ the judgments and resolutions of the parliament, are so straight an  
“ obligation on that point, as I dare not violate or impeach it.

“ But these opinions and resolutions I have mentioned are not all the  
“ motives I have had. There are other foundations likewise for this  
“ building: as laws and statutes in the point: which make a deeper  
“ impression on my duty: as that

“ 4. H. 8. “ 1. That no member of parliament ought to be questioned

\* See *ante*, 1, 108-9, 138-9.



“ 2 H. 4. “ 2. Wherein the Commons complaining that some of their  
“ Rot. parl. companions, *to advance themselves*, did tell the King of  
“ no. 11. certain matters moved in parliament before they were  
“ thoroughly discussed or accorded, by which the King  
“ was *grievously moved* against the Commons or some of  
“ them (in which the resemblance of our cases is observ-  
“ able), it was therein granted and enacted that none  
“ should so privately *inform*—(then I presume Mr. Attorney  
“ must be silent)—or, if they did, there should be no faith  
“ given unto them; but that such passages and business of  
“ parliament should be received and taken only by the  
“ advice and assent of all the Commons.

“ This I confels has fuch an influence to my reafon, that I cannot  
“ keep the integrity of my duty, and give fatisfaction to this court.  
“ For if I fhall plead and anfwer to the matters contained in the charge  
“ laid in againft me, which are only of acts and paffages in parliament, it  
“ cannot be without the opening of thofe things that were then the  
“ fubjects and agitations of the houfe ; and this muft neceffarily difcover  
“ the fecrets and intimates of thofe counfels that by this law I am com-  
“ manded to conceal : and what danger may be incident for a violation  
“ in that kind, my fears cannot determine.

“ 20 R. 2.      “ Haxie (you know) was adjudged of treason, for ex-  
 “ hibiting a bill in parliament. At his fuit, the judgment  
 “ was reversed, Haxie in all things safe, and pardoned by  
 “ the King.

" 1. H. IV. " The Commons in the next parliament come in pro  
" Rot. parl. " interesso suo, and complain that Haxie had been *ques-*  
" no. 104. " *tioned without them*; although in case of treason. They

\* This was Richard Strode's cafe, *ante*, 464.

“thereupon cause the judgment again to be reversed for  
“the salvation of their liberties. And this when Haxie  
“was fully cleared; pardoned by the King; judicially  
“discharged; and he no longer member of their house.  
“How much more, then, would it have moved them for  
“a member of their own! Or, if that member had sub-  
“mitted in a case of lower nature, how might it be thought  
“it would have moved them against him!

“For these reasons with all duty I repeat that I cannot acknowledge  
“the authority of this court.”

In what manner nevertheless the court exercised  
authority, remains to be told.

### VIII. JUDGMENT AND SENTENCE.

Early on the morning of Friday the 12th of February, the last day of Hilary term, before the judges had taken their seats, the counsel for the defendants had been admitted to confer with their lordships in their chamber adjoining the court. “They showed,” says Eliot, “their diligence and proceedings; drew an attestation from the clarke, who ther acknowledged the instructions, told them what progress he had made, and that by the evening he did hope his preparations would be readie; wh<sup>ch</sup> sooner could by no means be dispatcht.” The reply from the judges was a peremptory refusal; and shortly after, before a full court, and with every one present excepting Eliot, Mr. Justice Jones was delivering judgment and sentence. “I was not then present,” Eliot writes, “by reason of an indisposition of my healthe contracted from cold and watching.”

Jones began by saying, what he would hardly have been permitted to say even from that seat if Eliot had been present, that by the silence and confession of the defendants the matter of the information had been admitted to be true. In overruling their plea to the jurisdiction, he added, the court meant not to draw the true liberties of parliament into question; but to limit them

to things spoken in a parliamentary course, and to prevent the speaking at pleasure. The sentence was that every of the defendants should be imprisoned during pleasure of the king: Sir John Eliot to be imprisoned in the Tower of London, and the other defendants in other prisons. That none of them should be delivered out of prison until he had given security for his good behaviour; and had made submission and acknowledgment of his offence. That Sir John Eliot, inasmuch as my lords thought him the greatest offender and the ringleader, should pay to the king a fine of 2000*l*; that Mr. Holles should pay a fine of 1000 marks; and that Mr. Valentine, because he was of less ability than the rest, should pay a fine of 500*l*.

Not many days before, Walter Long had been sentenced in the star-chamber, for having, as Lord Dorchester expressed it, "played the busybody in parliament" while sheriff of Wilts, to a fine of 2000 marks, imprisonment during pleasure in the Tower, and a public submission. By the same tribunal, in this same term, Richard Chambers, for his vain attempt to protect the property of English merchants, had been fined 2000*l*, and directed to be imprisoned till submission. And now the judges of his majesty's bench had kept pace with that iniquitous court of star-chamber, and perfect satisfaction reigned at Whitehall. The secretary of state was directed to write to all the English ministers at foreign courts to inform them that the disquiet of men's minds in England, after the heats kindled by the disorders of the last parliament, was settling down; for that three of the chief authors had been fined and imprisoned in the king's bench for refusing to answer, and the rest were to have their turns for their trials; so that this would let the world see *that parliament-men must be responsible for their words and actions in other courts*, and so they would be more moderate and circumspect hereafter; and the king, when he should find good, might meet his people with so much the more assurance

that they would never transgress in the point of due respect and obedience.\*

Eliot well knew that in his case, unless another parliament should come, the sentence passed was one of perpetual imprisonment; but he seems to have heard it, when related to him, with unruffled composure. A friend of Mr. Mede's was with him shortly afterwards in the king's bench prison, and heard him send to Sir Allen Apsley to express the hope that a convenient lodging might be provided for him, and that he might be permitted to send his upholsterer to trim it up. He had no prospect of quitting it speedily! As to his fine, the same person heard him say that he had two cloaks, two suits, two pairs of boots and gallashes, and a few books. That was all his present substance. And if they could pick two thousand pounds out of that, much good might it do them. When he was first close prisoner in the Tower, he added, referring to his assignment of his lands and the proclamation denouncing him as an outlaw, a commission was directed to the high sheriff of Cornwall and five other commissioners his capital enemies, to inquire into his lands and goods, and to seize upon them for the king; but they returned a *nihil*.†

There was some delay in taking him to the Tower. The judges had gone upon their circuits before their judgment was entered on record, and his removal, it was said, would have to wait their return. Before leaving they had sent himself and his friends a message at which he is said to have "laughed heartily." My lords had been much scandalized at the behaviour of the prisoners' pages and servants, for that, being reprehended for tossing dogs and cats in a blanket in the open street of Southwark near the prison, they had insolently made reply, "We are judges of these creatures, and why should not we

\* MSS. S. P. O. 3d March, 1629 (30). The expression as to Long is in the same letter.

† Birch Transcripts: Mede to Stuteville, 27th February 1629 (30).

“ take our pleasure upon them as those other have done  
“ upon our masters ? ”

His first letter after the judgment is in his usual calm temper. Edward Kyrton had written to him in the middle of January from Easton, where the Earls of Warwick and Lincoln were on a visit to him ; but till now Eliot had not replied. Kyrton had a rough quaint force and way with him, and both his speeches and letters have the merit always of a manly bluntness. Eliot being at so good leisure, this letter ran, and the goodness of his disposition such, Kyrton knew that to hear from those who truly loved him, he would be glad of. Of which number the writer being one, had written that ; and by it did assure him that no man could be more ready and willing to do him any service that a true friend might do, than himself. “ Doe not thinke this compliment, “ for I hate it.” Their country was very barren of any news. They lived quiet ; and were sensible of nothing but of that which was upon them, and no longer than it was so. “ At London you have all, and know all, but “ are more uncertaine than we are here.” Well, he had been glad to hear one thing. Mr. Coryton, though one of the wicked, was fallen into grace, and had kissed the king’s hand with the addition of his place again ! Now that was some hope for them all. If they could but get so good angels to plead for them, and my lord Powis to swear hard, they might all have grace enough. He would conclude with a desire to hear from Eliot, and how all things were with him. “ For it will much “ quicken mee in this dull stupid countrie.” It was indeed but the knowledge of such men as Eliot that kept him alive. “ The two Earles here remember their loves to “ you, and drinke unto you every meale. I pray re- “ member me unto Mr. Long and Mr. Valentine, and “ tell Mr. Long that by the next he shall heare from “ me.”\*

\* MSS. at Port Eliot, 16th January 1629 (30).

Eliot replied without allusion either to his own trial or his old colleague's treachery. As Kyrton's letter, he said, had given him a great happiness in the signification of his love, so it had been to him some occasion of regret that it took him in such times and straits that he had not readily a leisure to express part of his affections, which not more naturally moved to anything than to the answer and correspondence of Kyrton's friendship. "This is the first opportunitie I have had, and I need not tell you how it comes to be a leaseure. Your servant can relate it. *I am now freed from the tedious attendance of Co<sup>r</sup>t<sup>e</sup> and Counsell, and am passinge againe to the observance only of my selfe:* in wh<sup>ch</sup> what intentions may import shall be dedicated to you. I pray repesente my humble service to those mirrors of nobilitie, and tell them that even in darknes I will follow them with honour and admiration; and that nothing shall effect a prevarication of my hart; w<sup>ch</sup> to you likewise shall continue me, as I am profest, yo<sup>r</sup> faithfull frend J. E."\*

In a week after that letter was written, though the judges were still absent and the judgment not entered, Eliot was taken from his friends to the Tower. The marshal of the bench, regarding him as a prison property or chattel, delivered him with an appropriate speech to Sir Allen Apsley at the Tower gate. "Mr. Lieutenant, I have brought you this worthy knight, whom I borrowed of you some months ago, and now do repay him again."† One might have thought this a piece of the mere idle talk with which the town amused itself, but that Eliot himself refers to it in a letter written to Sir Oliver Luke on the fourth day after his removal.

What change he had had in place, he wrote, since Luke last saw him, his messenger could relate. In affection, he presumed, his friend expected not, and much

\* MSS. at Port Eliot, 20th February 1629 (30).

† Mede to Stuteville (Birch Transcripts), 13th March 1629 (30).

less could doubt, there should be any. If it were truly said of those, though merely naturally, who cross the seas, in that respect that they change the heavens only not their minds, it could not be, to reasons more than natural, that such motions of the body should cause the least commotion of the mind, or subject it to any newness or uncertainty. "The support I have still found," he adds, "doth still follow me. The experience it has given me, denies me now to doubt it: my confidence and tranquillity, in all degrees and places, having the same meridian." And then he tells Sir Oliver the story of his removal from his country-house in Southwark back to his palace in the Tower.

"The course I made hither was guided by the Attorney. The compass that he steer'd by, the rule-book only of the clerks (the judgment not yet entered). His direction upon that, without writ or warrant from the Judges, was the authority to the Marshall: who, thereupon commanding my attendance, brought me to this place, and, as a debt which formerly he had borrowed (to use his own words) render'd me to the Lieutenant, whose prisoner I now am: so taken, and delivered in a compliment. This is all the news which in our fortunes have occurred. I have nothing else to give you but my thanks, which as a tribute must be still answered for your favors, by which I am engaged your most faithful servant, J. E." \*

Five days later he received another letter from Edward Kyrton, who had then just heard what had passed in the king's-bench court.† "The judgement upon you," he writes, "is blown amongst us with wonder attending it. For my own part, I can wonder at nothing; but I think that that man who doth not take your judgement as in part a judgement upon himselfe, doth either fail in honesty or discretion. I will use no more

\* MSS. at Port Eliot, 3d February (a mistake for March) 1629 (30).

† At the opening of his letter Kyrton notices Eliot's former reply, and sends him further messages from and to their common friends: "The two [two] Lordes took your kind remembrance of them with a great deal of affection. The footboy that brings you this meets me at Easton with them. I knowe they will be ever glad to hear of you. Yf Mr. Holles and Mr. Valentine be with you, I pray lett my affectionat love and service be remember'd unto them." Port Eliot MSS.

" words unto you of it, because I knowe you are soe well  
 " composed that thinges of this nature, although never  
 " so high, slacke not your resolutions, or move you to  
 " be otherwise than you were. THE TIME MAY COME  
 " THAT SUCH VERTUES MAY BE REGARDED." Then,  
 after messages to Eliot's fellow-prisoners: " And for your-  
 " selfe I will conclude with this—that I can be no longer  
 " an honest man if I forgett to be other than your  
 " devoted and faithfull friend and servantt, EDW.  
 " KYRTON."

These frank and manly words bore no date, but were addressed to Eliot at the Tower.\* How could Kyrton have ascertained that address? Was it by the spirit of prophecy? "It's true," Eliot replied the day after receiving the letter, "I was design'd hither by a judgment, and it maie be your presumption was on that; but having rested a full fortnight wher I was, and the judges in their circuits, I had noe expectation of remove till the next terme. Wherein my ignorance is apparent that could not see a way, besides the writts, and common course of lawe." But though this quiet sarcasm is all the notice he gives to the wrong that had so moved his friend, he tells him that the certainty of his good opinion had an operation of such power that "if happines onlie be in libertie, certainlie I am free. The service yo<sup>u</sup> command me to Mr. Holles and Mr. Valentine I cannot performe, being now divided from them. What is w<sup>th</sup>in the compas of my sphear I should

\* Eliot has endorsed Kyrton's letter "This letter came 8th Marcij 1629"—(30). It is addressed "To my much honored and wortheie freind Sir John Elliott att the Tower, these." Eliot's reply contains a friendly rebuke against his non-dating of the letter, a negligence of which he is himself never guilty. "But it may be I goe too far in this consideration of yo<sup>r</sup> prophesie, and my ignorance upon the direction of yo<sup>r</sup> letter; which might proceed from grounds and reasons not conjecturall, but warranted by some late intercourse and intelligence in my cominge to this place. If soe, I crave yo<sup>r</sup> pardon; and, to excuse that misprision in myselfe, must translate the fault to yo<sup>u</sup>, who, givinge no date to yo<sup>r</sup> expression, expos'd me to that error through the uncertainty of your time."



“gladlie undertake. Myself I can dispose, and have it  
“readie to obey you, in hart and affection, wh<sup>ch</sup> are my  
“better interests. The rest, as not capable of such  
“meritt, I dare not tender to my frend. Represent  
“my devotion to those Lords who are the summe of true  
“nobilitie; and assure them, as I love Virtue, I honor  
“them: and soe, kissing yo<sup>r</sup> hands, I rest y<sup>r</sup> affectionat  
“servant, J. E.”

Kyrton thought that the time might come when such virtues as Eliot's would win regard, and when every man, as he valued his discretion and his honesty, would take the judgment against him as a judgment against himself. Of the first part of this prediction the full accomplishment may be waiting still, but the interval was brief that sufficed to determine the last. Eliot's grave had been closed for only eight years when the white flag waved over it. By a series of votes and resolutions at the opening of the Long Parliament, all the proceedings against him were declared to have been illegal; and such retribution as then was possible was exacted to the full. Twenty-seven years later, at a more tranquil, if less heroic time, his sentence was declared by both houses to have been against the law, and against the freedom and privilege of parliament. The record of the king's bench was then brought by writ of error before the house of lords; the judgment was solemnly reversed; and that for which we have seen him sacrifice his liberty, and are now to see him as calmly yielding up his life, was established beyond further question. Freedom of speech in parliament, unlimited except by the decencies of debate, has never since been disputed; and the power of the house of commons, secured by that means, has given to English liberty its distinctive character and its probable permanence.

## BOOK TWELFTH.

### LIFE AND DEATH IN THE TOWER.

1630-1632. ÆT. 40-42.

- I. A Temper for a Prison.*
- II. Sons and Daughters of the Prisoner.*
- III. Four Staunch Friends.*
- IV. Home News and other Letters.*
- V. The Monarchy of Man.*
- VI. Appeal to a Later Time.*
- VII. Gleams of Hope.*
- VIII. Harshness, Silence, and Death.*

#### I. A TEMPER FOR A PRISON.



AFTER the day when Eliot was rendered once more to the keeping of Sir Allen Apsley at the Tower, he never quitted it again. The histories desert him here, and to them "the rest is silence." He lived until November 1632; but beyond his prison walls, except in the homes and hearts of private friends, his voice was heard no more. A royal proclamation had forbidden the people to speak of parliaments; and to speak of Eliot, or hereafter to visit him, was attended with some degree of danger. But dark as the curtain was which then thus heavily fell between him and his countrymen, I am able so far now to uplift it as to shew what mainly occupied him, what friends stood by him, what hopes and thoughts supported him, for the greatest part of these two closing years.

They were the least active of his life, but not the least glorious.

I quit now the region of history. A calm endurance to the end is all that Eliot has to add to his public services for England. But there were other private and personal lessons, fruits of meditation and reflection that had grown in the solitude and self-examination of his prison, which he very eagerly desired might also survive him; and the task that remains to his biographer is to blend and intermingle these with what remains to be told of his intercourse with the outer world, of his care for his children, and of his cheerful patience and quiet fortitude of mind while his body gradually sank under the privations and hardships of his captivity. This task I shall endeavour to discharge with simpleness and fidelity.

It is important to observe at the outset the distinction steadily kept up between his case and those of the men who shared in the alleged offence of which he was charged to have been the ringleader. His only companion in the Tower for the first eighteen months was Long, who appears also to have had occasional intermissions of liberty before he was then finally removed to a less close prison.\* Holles, whose sentence was next in severity to his own, underwent no further imprisonment at all; and though he was in effect banished from London, and not permitted to return till he had paid his fine,† he wrote without concealment to Eliot from his

\* There is a petition of his to Dorchester in the S. P. O. under date the 17th of April 1630, in which he thanks the secretary for his honorable inclination to be again intercessor to his majesty, and through him sends a humble petition for the king's grace and princely clemency. But there is no submission in the sense of a confession of fault or promise of good behaviour. He was in the compters-prison in January, 1631-2, and shortly after released.

† Mr. Sanford in his *Studies of the Great Rebellion* (158-9) has quoted, from the Tanner MSS. in the Bodleian, a portion of a report made by Holles to the long parliament of his sufferings for privilege, in which, after mentioning his sentence, he adds: "Which to avoid, I made an escape, and lived a banished man from this city, from my friends, and from my business (in which I suffered exceedingly) for the space of 7 or 8 years; and then at last was glad to pay my fine. I can with confidence say, my

house in Dorsetshire. Valentine was continued in the king's-bench prison with Selden, Strode, and Hobart; but all the four had frequent day-rules, dividing their time, as Eliot describes it, between imprisonment and liberty: and upon a virulent sickness breaking out in London in the summer of 1630, they obtained transfer to the Gate-house, from which they were able to make easy transit to their own country-houses or their friends'; not returning to the Marshalsea till after the long vacation, and paying then but the penalty of a reprimand for "escape," and a few weeks of closer confinement.\* At the end of the following year, Selden and Strode had in effect obtained their freedom; and soon afterwards Valentine, though meanwhile deprived of his day-rule at the Marshalsea for having too frequently used it to visit Eliot in the Tower, had settled his fine, and was no longer a prisoner. Several months before, Hobart had submitted and obtained his pardon; having thrown away, as Eliot drily expressed it, a great deal of good liberty. This is not said to extenuate in any way the shameful injustice committed upon all these men, whose actions as well as sufferings entitle them to grateful memory; but only to point out that, measured by what was done to Eliot, Charles the First was merciful to them. His bitterness against them had abated from the moment the Tower closed upon their leader. His hold upon them relaxed and became indifferent, in proportion as it fixed itself upon a victim whose sufferings seemed to satisfy his vengeance. Nor did anything avail to loosen afterwards that close grasp of Eliot. Cruel, persevering, unrelenting; insensible of mercy, inaccessible to pity, inexorable and ruthless to the very last; the king held with a rigour that increased even

"imprisonment and my suits cost me 3,000*l.* and that I am 10,000*l.* the worse in my estate on that occasion."

\* See *St. Tr.* iii. 290-1, for the proceedings taken in consequence. A distinction is to be noted between the cases of Strode, Valentine, and Hobart, and that of Selden, who obtained his liberation by other and more strictly legal means than the "escape" charged against the others.

as death was known to be approaching, the prisoner whom his unjust judges had placed within his power.

The difficulties interposed from the very beginning to Eliot's correspondence even with friends the most devoted to him; interdicting many subjects from mention, concealing others under allusions only now to be guessed at, and accounting for much that gives a peculiar character to his own letters; will be understood from what he says to his dear friend Richard Knightley in the third month of this last imprisonment. Having no command of opportunity, he told him, he could not but with readiness embrace all safe occasions that might render him in some expressions of his love, if not in other service. Almost in all things that were worthy of a friend, he must confess himself useless; but in many more unhappy that he had not liberty of words. That issue of affections which made them perceptible to others, the free converse and traffic of the heart, the very exchange of thanks and courtesies, were in his "straitnesse" denied him. "I have a long time stood ingag'd for want  
" of a conveyance unto yo<sup>u</sup>. The ground of that necessity is soe knowne as I neede not doubt the question of it nowe. The daungers and intelligences\*  
" were never greater; and therefore I presume yo<sup>r</sup> charitie  
" will graunt it, that my feare and circumspection should  
" be answeareable. The first securitie presented me since  
" my comminge to this place, was but last weeke by y<sup>r</sup>  
" cosen Knightlie;† whose hast likewise prevented me  
" of that. This nowe, which is the nexte, and comminge from one of the same truste and neernesse to  
" yo<sup>u</sup>, I hope will make an apologie for both that I had  
" not written sooner, and in such manner as might have  
" made some satisfaccion for the time. But newes is  
" nowhere safe, and I am an ill relator of fadd stories.

\* What we should now call "spies."

† The tutor at Oxford, who had, as will be seen hereafter, visited Eliot about his sons.

" Lett it suffice yo<sup>n</sup> that my memorie is charg'd with a  
" large catalogue of yo<sup>r</sup> favors, w<sup>ch</sup> have oblig'd me to  
" be your most affectionat frend and brother, J. E."\*

And thus it continued; with the same difficulties  
increasing to the end, and with no more complaining  
than here finds utterance. When the same friend told him,  
a month later, of rumours prevailing for some chance  
of his enlargement, he bade him have no confidence in  
them, sand being the best material they rested on, and  
the many fancies of the multitude; unless they pointed  
at that kind of liberty, "libertie of mynde," which it  
was true he then had, though not as a variety or stranger,  
having never, he thanked God, been without it. "But  
" other libertie I knowe not; having foe little interest  
" in her masters that I expect noe service from her."  
But should he therefore complain? Health being  
allowed him for a fellow and companion, he had the  
whole world, and more, before him; and in that he should  
find variety of recreation.† It was a world in which his  
gaolers had no power; in which his mind felt no restraint;  
and (as hereafter we shall see) through whose vast and  
varied extent, in thoughts to which he hoped to give  
enduring form, he was already ranging and expatiating  
uncontrolled and free.

Nor, from that narrower world the Tower walls shut  
in, was he less ready meanwhile to accept what blessing  
it afforded him. As he looked upward he could still  
see the brightness of the heavens. When again that  
daughter of Sir John Corbet for whom he had so tender  
a regard now wrote to him, he told her that restraint  
was only then bitter by the want of so much liberty as  
might have carried him to her presence. In all things  
else but that he participated with his friends. He had

\* MSS. at Port Eliot: "Tower, 21<sup>o</sup> Maij, 1630.

† MSS. at Port Eliot. To Richard Knightley, 5th July, 1630. "What  
" more may be desir'd but a protection against envie, in which privacie  
" secures me from all others."

no power to visit them but by letters, "nor much confidence in that." But in other things the community was equal. He had the same days and nights, as useful "and not longer."\* The same air and elements were around him, "of the same temper, if not better." The same sun and moon were his, the stars giving the same lights, the seasons in their courses; and the same God who gave direction to them all, and in his mercy made them as serviceable, as comfortable to him, as to the greatest and the richest of his creatures. "He has been" hitherto my protection, and in His own tyme will "hereafter be my deliverance."†

Reports and rumours of that deliverance, again and again conveyed to him, failed ever in the least to move him from this equable temper. The same chances of which Knightley had written to him in June 1630, Sir Oliver Luke repeated in December 1631; but he met them as before, advising Luke, as formerly he had counselled Knightley, against all such to put on the armour of doubt and incredulity, for that many things were to be heard before Truth was like to be come to, in that abstruse vault and corner where still she hid herself away.‡ Admirably did another friend, Sir William Armyne, take occasion at this very time to characterise him as a man who confined his contentment within his own limits; so that nothing could deprive him of happiness; or prevent him, whether free or a prisoner, from calling at least himself his own.§ Nor less wisely and modestly did Eliot reply to the compliment, that there were higher services to himself which a man might not always render. No man was the author of his own abilities or power. The intention, the right employment of the faculties given to him, even if that, was all he could call his own.

\* That touch seems to me very affecting. He did not think it a blessing to be desired that the days or the nights *should* be longer.

† MSS. at Port Eliot, 24th August, 1630.

‡ MSS. at Port Eliot: Eliot to Luke, 20th December, 1631.

§ MSS. at Port Eliot: Sir William Armyne to Eliot, 20th Decr. 1631.

For the success of all virtue, as for its original and source, he was to look without and beyond him.\*

He had need at that moment for his philosophy. As will hereafter be seen, it was in the same week of deepest winter that new restraints were put upon him; that his old lodging was changed for a dark and comfortable room, "where candlelight may be suffered but "scarce fire;" and that all admittance to him but of his servants was prohibited. But not a complaint or even a sigh escaped him. He hoped Hampden would think that the exchange of places made not a change of mind, for that the same protection still was with him, and the same confidence. He hoped Luke would doubt it not his resolutions were the same, for he thanked God it had made no alteration. He told Knightley the place he was in had over it the same Power which elsewhere protected him, and he was confident would assist him still. And, after telling Bevil Grenville of the harshness of the new restraint and watch upon him, he laid upon him two injunctions. His wife, the Lady Grace, was to be told that he nevertheless doubted not one day to kiss her hand; and much was to be made, by both of them, of the little boy his godson, *for men might become precious in his time.*† Could he better or more strikingly have said, that from the darkness of the cell his enemies had consigned him to, and of which to his friends he did not care to complain, he could even then see lurid and angry streaks across the sky, giving threatenings of a day yet distant but which was like to be very stormy!

In a month from that date he had written the last letter he was permitted to address to his friends. The eight closing months were a blank filled only and darkly

\* MSS. at Port Eliot: Eliot to Armyne, 21st December, 1631.

† MSS. at Port Eliot: 26th and 28th December, 1631; 3rd of January, 1631-2; and 17th February, 1631-2: letters from Eliot to Hampden, Luke, Knightley, and Grenville respectively.



with fears and with suspicions. But having shown the general tone and character of his thoughts through the whole of the time when his own voice still was audible, can we doubt that his last silent months of suffering and decay had the same calm and serene supports of patience, fortitude, and hope?

The task now to be attempted is that of giving more particular account of his prison life and thoughts under heads suggested by the papers found in his prison, which have lain unregarded for more than two centuries, and some of which it was his earnest wish himself to have given to the world.

## II. SONS AND DAUGHTERS OF THE PRISONER.

Eliot's gravest anxiety, in the first months that followed his sentence, arose from the reports that had reached him of Richard Eliot, his second son. We have seen in what kindly words both youths, now students of Lincoln-college, were mentioned by Hampden; but in their tutor's account from Oxford a distinction was made, and some fears entertained by the father received unpleasing confirmation.

Knowing Dick's thoughtless temperament, he had desired, before sending him to college, to make his warnings to him more than ordinarily impressive. We have seen the affecting letter he addressed to both on the eve of that change in their life; but when afterwards he saw them in the Tower, on their way to Oxford, special caution was given to Richard to be careful, on his father's account, to keep in mind that any irregularity would be seized for an excuse to assail him through his son, and that spies would be eagerly on the watch to turn the lightest slip to disadvantage. With the greater concern Eliot now heard, therefore, that the youth, careless of what had been said to him, had preferred town to

gown, acquaintances to books, and any kind of amusement or excitement to the lecture room.

"RICHARD," he began, in a letter to the boy, "You know how earnestly my affections labour for your good, and that no step you make is without some addition to my thoughts, even your least motions and inclinations leading to grief or comfort. But now, in the observation thereof, what shall I say? Have I satisfaction? Does your reputation answer the promises I had? How great were my felicity if it did so! What then could be added to the joys I should conceive?" The very hope of it by anticipation, through His favour who had given it, had sufficed to lessen, or at least enable him to support, all losses, all troubles, all disasters, all afflictions. And now it was otherwise. With grief he said, it was otherwise. The report of him answered not the expectation. That which should have been a glass for comfort to his father, for example to others, his carriage and behaviour, how unlike it was, staining him with the tincture of looseness and neglect, to the colours of his hope! "How is it varied from the intentions of your promise, that makes you less affected to the college than the town, and for acquaintance more studious than in books! How is this differing from the reasons of the time which cannot but impose a reservation and strictness, even in things scarce sensible, that have but relation to me! You cannot but remember at your being here (besides the instructions which I gave you), what special cautions in this point you received from others, who made that the expression of their love; and that you were then told into what observation you should pass; that your condition was not ordinary, and would at no time be unstudied; but your words, your actions, your conversations, your societies, would be sifted there (if possible) to extract some scandal or advantage against me. And has this made no more impres-

"sion on you? Have the advice of friends, the in-  
 "structions of a father, no more power to settle and  
 "compose you? Cannot your own reason, your own  
 "discretion, in conscience of the duties you have learnt  
 "(your duty unto God, your duty unto goodness, besides  
 "the duty and obligation you owe me), naie, cannot your  
 "own example in which better promises have been read,  
 "otherwise informe you, but you must so soone venture  
 "on the follies of the time, and in the sea of vanitie  
 "hazard to make shipwreck of all my hopes and com-  
 "forts? Then must ther be a conversion of my happi-  
 "ness, and my peace and tranquillitie are endangered!  
 "That which no outward power could prejudice, myne  
 "owne force will undermine; and that which should  
 "have beene for assistance and support, will become an  
 "instrument of ruine and subversion."

If nothing beyond these touching words had survived  
 from Eliot's prison, what is most chivalrous and noble in  
 his nature would have needed no other testimony. His  
 children are as himself. The breath of reproach that sul-  
 lies them stains him; and the cry of pain that nothing  
 could wring from him in which he had himself no part  
 but suffering, breaks out at the mere fancy of dishonour  
 in one who bears his name. The close of the letter is  
 not less remarkable. It is even perhaps more impressive  
 from the deep tenderness that mingles with its wise  
 counsel and its exalted feeling.

"You see what apprehensions doe possesse me, and how violently  
 "they move upon the fear of your incompasure and disorder, to which  
 "no affliction can be added, if the ground be true. I will not judge  
 "you without hearing, nor yet wholly quit my hopes. If you are  
 "guilty (as I pray God you be not), and have given advantage to your  
 "enemies, let it be soe noe more. You may soone retract an error,  
 "though habits be not easilie corrected. Consider whose you are,  
 "what expectation is upon you, and let your gravity and compasure  
 "stop the mouth of all detraction. Lett this shew you how neerly it  
 "attends you, and that the observance of noe act or circumstance is  
 "omitted. If it be false that comes reported, and rais'd meerly as a  
 "slander, yet consider of what importance is your care; for if such a

" building be on sande, what superstruction may be made wher ther is  
" good foundation! As thus I have my cares, I make my praiers for  
" you, that the Divine Providence would guide you<sup>r</sup> revolutions unto  
" happines. Lett your motions be directed to that end. Propound  
" goodnes not pleasure for y<sup>r</sup> object. Lose not yourself for libertie,  
" or rather make not libertie a vice. Know that man's distinction is  
" from beasts but as *they* followe onlie the affections, man his reason.  
" Lett not others drawe you to an imitation of their evill; nor multi-  
" tudes induce you to take errors for examples. But let your virtues  
" be a president for them, a comfort unto me, a glorie to your Maker;  
" whose riches will adorn you, if you be faithfull in His service and a  
" just dispenser of His talents. Wherein, as you shall have advise, you  
" shall not want encouragement, nor the blessing of y<sup>r</sup> most loving  
" father, J. E.\*"

On the same day he wrote to the tutor of his sons, Thomas Knightley, a resident fellow of Lincoln; and while he urges upon him his wishes as to both, and renews the cautions his report had suggested, he is delicately silent as to the special appeal he has himself made to Richard. His love, so jealous to himself, to another can make no distinction between these objects of an equal affection. He simply tells Knightley,† that in the case of his " sons " he had laid great obligation on their father, who wished their endeavours might be answerable to his will. If he met with any indisposition in them, in respect of their carriage or affection, for otherwise he did not fear it, he prayed Mr. Knightley to correct it what he might, and to give himself notice of it, that it should proceed not to a habit; for in them their father's chief happiness consisted, and no greater prejudice or disadvantage could be given him than through their persons.

\* MSS. at Port Eliot: " Tower, 5th April, 1630. To Dick Eliot."

† The letter opens thus: " Yo<sup>r</sup> letter came soe slowlie to my hands, as  
" in part the answere was prevented, and other intelligence intimatinge a  
" purpose of yo<sup>r</sup> beinge heer in London at Easter cauld me to deferr the  
" rest in hope of an oportunitie to see yo<sup>r</sup>, and soe by that advantage more  
" freele to communicate. The money you took of Mr. Townsend was  
" spedily repaid him; and if my servant in the country make not his re-  
" turne accordinge to yo<sup>r</sup> tymes, yo<sup>r</sup> maie on any occasion supplie yo<sup>r</sup> selfe  
" by him, whoe has order to that purpose, and I doubt not will readilie  
" performe it." Eliot appears to have been always in a marked degree  
thoughtful and considerate as to money arrangements.

"My enemyes are many and full of obervation, <sup>wh</sup> makes a necessity of much caution, both in my frends and me: therefore to theife, that are the neereft, I have advi'd a speciall reservednesse, and shalle desire yo<sup>r</sup> help to second it, that they sorte not too much with company nor studdie large acquaintance: for, as that number or varietie has small profit, lesse securitie does attend it; and the solace is greater in these tymes to have much confidence than a little jealousy. For the course of their learninge I referr them to yo<sup>r</sup> judgment, which I know allows of tyme for exercises and recreations. At Whitfuntide I shall be glad to see them heer; and at all tymes, on all occasions, readie to expresse my selfe yo<sup>r</sup> affectionate friend, "J. E."\*

To his father's remonstrance Richard seems eagerly to have replied with many professions of grief, and promises to strive and regain his love. To this Eliot, with a pleasant eagerness on his part to find encouragement and even excuse for the boy, which showed how irksome had been the task of rebuking him, answered as promptly that he had not given such foundation to his love as that it should need any labour to regain it. The frame and building of his heart was of such firmness as could not easily be shaken; and the expressions he had used, from whence Richard drew his fears, were but an effect of the tenderness of a father so affectionate to his son that he would expose him to no dangers. It was to show him these, and that he might the better know how to avoid or prevent them, his last letter had told him what evils he was near—either the evils of his own nature, for who was without corruption? or the evils of the place, which he heard were too full of example;† or the evil of the time, envy and detraction, now inseparable from his father's name. From all or any of those, and to some he certainly was subject, he must be careful to make

\* MSS. at Port Eliot. "From my lodgings in the Tower, 5 Apr. 1630."

† Neither Oxford nor Cambridge had a good reputation at this time. D'Ewes tells us that what had made him weary of his own college at the latter university was "that swearing, drinking, rioting, and hatred of all piety and virtue under false and adulterate nicknames" (puritanism, forsooth, and what not!) "did abound there and generally in all the university."—*Autob.* ii. 141.

himself free; either by reformation of himself, or by reservation towards others. He would thereby turn hates and slanders to advantage, and in the endeavour compass his father's satisfaction. "My hopes now are great. Strive to give it a perfection, and you gaine me: as my affection and love are constantlie your owne." So would he abridge the cares and multiply the blessings of his loving father.\*

Both the youths left Oxford with Knightley at Whitsuntide and visited the Tower. Hampden again had claimed them during their vacation; and they parted from their tutor at the Tower to set out for Great Hampden, taking a letter from Eliot. Ever would those messengers, he told his friend, correct him if his weakness should be guilty of ingratitude. They were a continual mention and remembrance of the favours by which he had been obliged so infinitely! He returned them to Hampden now as an acknowledgment of that debt, or rather as an occasion to increase it. Up there at the Tower they had parted from their tutor to proceed into Bucks, again to have the happiness to kiss Hampden's hands, to be directed by his counsel, and so to be made fitter for their course, wherein all his own cares and affections had dependence. "They can bringe yo" little newes but of the death of our lieftenant." (Poor old Sir Allen Apsley was gone.) "Who shall succeede him, we yett knowe not: but report maintaines her custom of designinge manie till on[e] be chosen; and in the meane tyme, instead of a governor and keeper, the Tower and wee have that for entertainment." He presumed Hampden would not expect for the present more of business or intelligence. He was preparing to satisfy his debt in regard to certain papers which he hoped his friend would speedily receive. For his memory could not betray him in any duty to Hampden's service, but must be studious of all op-

\* MSS. at Port Eliot: 16th April, 1630.

portunities to express himself his most affectionate friend.\* The "papers" will in due time be described. They formed now Eliot's only and sufficient occupation.

The next mention of the youths is in a passage of a letter of Hampden's nearly three months later. They had passed the intervening term at Oxford, and again the master of Great Hampden was claiming them. He had not yet, he then told their father, sent for his "academic friends" by reason of his own employments and absence; but that week he intended it; and when he should thus again have before him Eliot's own picture to the life, he should the oftener be put in mind to recommend his health and happiness to Him only that could give it.† From this pleasant touch one may infer the resemblance of look and feature to their father which the more endeared these youths to Hampden, who had opened to them, in all their intervals of residence at Oxford, Great Hampden as their home.

Early in the month following Eliot received an unexpected visit from his friend, and appears to have expressed to him some doubt of continuing the lads at Oxford.‡ The report of Richard had again been unfavourable. But, almost certainly on Hampden's intercession, the purpose of removing them was abandoned. They returned in the Michaelmas term to Lincoln college; and soon after we find the father again remonstrating with Richard in a letter of pathetic earnestness, and the old wise and noble warning. In particular he took the present occasion to remind him of what vast importance to the rest of his children it was that the two elder ones should give them good example.

He began by telling him he now meant often to solicit

\* MSS. at Port Eliot: 25th May, 1630.

† MS. letter of Hampden's in my possession, 18th of August, 1630. I shall hereafter have occasion to give the rest of this interesting letter, which had not been preserved among the Port Eliot MSS.

‡ Eliot to Luke, 10th Sept', 1630: "Our friend Hampden being here," &c. &c. MSS. at Port Eliot.

him to the intention\* of his studies, that he might not in any case want the occasion of such letters to impart it. He hoped also by that means oftener to hear from him; for, till the last conveyance, he had no little doubt, after so long a silence, where he was, or whether he was or no. But now Richard's letter had not only resolved this, but brought some satisfaction to his father's hopes that the "refutation" of his virtues would in time afford him both comfort and confidence; comfort in his happiness and good,† and confidence against all accident.

"For as my hopes so my fears have their chief place in you (You and your brother, for those two I make but one, in respect of the spirit and affection that does guide them, and that unity which, I trust, shall always be between them):‡ who, as in order and expectation you are first, are likewise the greatest object of my care, the success of which will stand for a pattern and prediction to the rest. Therefore you must endeavour to make this precedent exact, that shall have transition to others; and not to frame it to the common models of the time, but *contrarium mundo iter intendens*,§ like the *primum mobile*, and first sphere. Though the whole world, the generality of men, as the lesser orbs, make their revolutions irregular; you must let your motions have that regularity and fullness as no others may impair them, but rather incline to the attraction of your goodness, and, as *ad raptum*, be drawn to that example. In this case it will not be enough with you to pretend to|| abandon some acquaintance, but to leave all; I mean the pleasure of society, that *esca malorum*, as Cicero calls it; and to retire wholly to yourself. Virtue is more rigid than to be taken with delights; those vanities

\* "Intention" is used all through this letter in the fine old sense of all our early writers, as the "paying attention," or the "stretching or directing the mind or thoughts," to any particular course or thing.

† This is one of the letters imperfectly printed by Mr. D'Iraeli. "And good" is omitted by him.

‡ Thus strangely printed by Mr. D'Iraeli: "(you and your brother, for you two I make but one, in respect of the spirit and affection which shall always be between you)."

§ "*Intende*," Mr. D'Iraeli; and the whole following passage is turned into egregious nonsense by jumbling up two sentences and printing them thus: "like the *primum mobile* and first shadow, though for whole worlds, the generality of men, as the lesser orbs make their revolutions irregular; then let your motions have that regularity and fullness, as no others may impair them." As for the nineteen words which finish the second sentence, they are omitted altogether.

|| "Enough to abandon"—Mr. D'Iraeli; five words omitted.



“ she leaves, for those she scornes herself; her paths are arduous and rough, but excellent, yea, pleasant\* to those that once have past them. Honor is a concomitant they have to entertaine them in their journey; naie, it becomes their servante; and what is attended by all others, those that travell in that waie have it to waite on them. And this effect† of virtue has not, as in the vulgar acceptation, its dwelling on a hill; it crowds not in the multitude; but *extra conspectum*, as Seneca says, beyond the common prospect; for what is familiar, is cheap; and those things always are in greatest admiration which are least scene; the desire giving lustre to the object. *Majus è longinquo reverentia*, saith Tacitus; all glory is heightened by the distance, not of place but time. That it is rarely seen, makes it more glorious and admirable; which without a want, and expectation, would be lost, at least‡ neglected, as a prophett is not honoured in his owne country § but more acceptable with strangers. Apply this then unto yoursele, for we may compare Mantua with Rome. Would you have estimation amongst men (for honor is noe other), there are two ways to gaine it, Virtue and Privacy, and the latter is an inducement to the former; for Privacy is the only nurse of studies, and studies of virtue. Therefore for virtue or honor’s sake, what is most happie for yoursele or most precious with others—*retire, that it may follow you!* Follow not that which flies when it’s pursued: for shadows and honor are in that quality alike, if not the same.” ||

Well was Eliot entitled so to speak to his boy! Privacy had been to himself the nurse of studies, and incentive to virtues and self-denials, of which he now in his prison knew the full advantage. Strengthening his desire to serve and live for others, it had taught him also to live alone. To it mainly he owed that now he was patient and self-contained; that a necessary dependence on others did not fret or trouble him; that he had always a companionship of books or thoughts; and that in the solitude of the Tower he had found sufficient and sweet

\* “And pleasant”—Mr. D’Israeli.

† “Effort”—*Id.* whose minuter but not unimportant misreadings all through this letter I am obliged to leave unnoticed.

‡ “At length”—*Id.*

§ “In his country”—*Id.* who omits the five following words.

|| All the sense is taken out of this fine passage by Mr. D’Israeli’s ridiculous mode of misprinting it: “For privacy is the only nurse of studies, studies of virtue, therefore for virtue or for honor’s sake. What is most happy for yourself is most precious with others, where, that it may follow you—follow not that which flies when it is pursued.” How could he possibly think there was any meaning in *this*?

society. Nor, when the studies that now engaged him come to be described, will those references to Cicero, Seneca, and Tacitus, addressed to a lad of sixteen, carry with them any touch of pedantry. Richard was now, as Hampden lately called him, his "Academike friend ;" and there was a delicate flattery to the youth in making him free of such allusions on his father's lips. The letter closed in a different but not less exalted strain. Leaving those classic regions, he spoke only as a father to a son ; but no master of the porch or academy ever put into perfect speech advice of homelier worth or higher strain.

Following up that mention of shadows and honour flying when pursued, he went on to express a doubt that there were shadows even of the shadows that so were followed ; a something less than honour that Richard had been aiming at, while the substance and virtue were neglected. For how came it else that his tutor should complain of him as careless and remiss ? It could not be, where there was true affection, there should be indiligence and neglect. When study was declined, the desires were alienated from the virtue ; for without the means no end was attained, and the neglect of that showed a diversion from the other. If such indiligence and neglect had been since last he wrote to him, he must resume his fears, that, while his son's judgment failed to guide him, his own caution should be lost. But if such neglect should hereafter continue, what was he to say ? " If  
" that advise, those reasons, and the command and au-  
" thority of a father (a father most indulgent to the hap-  
" piness of his child) which I now give you to redeeme  
" the time [that] is spent, to redeeme the studies you have  
" missed, and to redeeme yourself who are engaged to  
" danger in that\* hazard and adventure—if these make  
" no impressions (and those must be read in the cha-  
" racters of your course), if they work not an alteration,  
" if they cause not a new diligency and intention ; an

\* " To danger, or that"—Mr. D'Iraeli.

“intention of yourself; an intention of the object,  
 “virtue; an intention of the means, your study; and  
 “an exact intention of yo<sup>r</sup>\* time to improve it to that  
 “end; I shall then receive that wound, which I thank  
 “God no enemy could give me, sorrow and affliction of  
 “the minde, and that from him from whom I hoped  
 “the contrary. But I still hope, and the more confi-  
 “dently for the promise which your letters have assured  
 “me. Let it be bettered in performance by your future  
 “care and diligence, which shall be accompanied with  
 “the prayers and blessings of your most loving father,  
 “J. E.”†

To what extent such future care and diligence made fit reply to this affecting appeal, we have not the means of knowing. But there was certainly no complete amendment; and when the Christmas vacation came, and Hampden as usual expected the accustomed visit of his student friends, it was found that at the close of the term an order had been issued confining them to the university. Some censure of Richard by the authorities of his college might partly have accounted for this; but it soon appeared that their tutor had not been made acquainted with it, and the youths themselves supposed the order to have proceeded from their father. In reality it had been designed to punish their father, not themselves. It is impossible to reconcile to any other explanation the allusions to be found in Eliot's letters concerning it.

He first mentions it in writing to Sir Oliver Luke on the last day of 1630. His daughter Bessie, as will be seen shortly, had for some time been staying with Lady Luke's daughters; and it had been his wish that his sons should have gone there on a short visit at the opening of the year, between leaving Hampden and returning to college. “Havinge nothing to retorne yo<sup>n</sup> for all yo<sup>r</sup> favo<sup>r</sup>,” he now wrote, “but my thankses, I did hope

\* “The time”—Mr. D'Israeli.

† MSS. at Port Eliot: “7th of November, 1630. To R. Eliot.”

“ at this time to have made that expreffion by my fonnes,  
“ and to have given them you as pledges of my fervice :  
“ but that opportunitie being deny’d mee by fome fecrett  
“ reason for their not coming to this towne, w<sup>ch</sup> you  
“ fhall have hereafter, I muft crave yo<sup>r</sup> acceptance of  
“ this paper, and with it yo<sup>r</sup> pardon for the reft.” \*  
Between the date of this and his letter to Hampden a  
week later, the incident had been accounted for in a  
manner which he can only by obfcure allufion hint at  
to his friend. It fhould be added that by this time the  
prohibition had been removed, but too late for the  
neceffary preparation to enable the youths to vifit  
Hampden before the commencement of Hilary term ;  
and that fome refolution previoufly concerted between  
the friends Eliot found it neceffary in confequence to  
change, believing he fhould thereby defeat what his  
enemies, by their petty act of tyranny, had hoped to  
accomplish.

Replying then to a letter in which Hampden had  
guessed wrongly at the fource from which the interference  
had come, he thus guardedly expreffed himfelf : “ DEARE  
“ FRIEND, What you fhall herein want of fatisfaction  
“ for the doubte you have conceived, muft be by yo<sup>r</sup>  
“ charitie imputed to the prejudice of the time, not me,  
“ whoe cannott have a fecrett not open to yo<sup>r</sup> will, nor  
“ in refervednefs fhould nowe, not even w<sup>th</sup> yo<sup>r</sup> com-  
“ mand, if my confidence in paper were as great as my  
“ affection to yo<sup>r</sup>felfe. But I dare not fpeake all  
“ thinges at fuch diftance, where there maie be an inter-  
“ ception in the waie ; and I knowe my friend is not pre-  
“ cipitat in his wifhes. Thus much therefore onclie  
“ for the prefent I will faie untill I have the happines  
“ to fee yo<sup>u</sup>, that the occafion which yo<sup>u</sup> wonder at is  
“ from hence, not elfewhere ; both fodaine and important  
“ if my reason doe not faile mee ; cominge from the  
“ malevolence of my fortune, but I hope without a

\* MSS. at Port Eliot : 31ft Decemb<sup>r</sup>, 1630.

“power of hurting, to wh<sup>ch</sup> the resolution that I  
“chaung’d was made but a prevençon.” He then  
describes his compliance with a kindly wish of Hamp-  
den’s, that he should remove an impressiō entertained by  
the youths themselves of its having been by order of their  
father their holiday had been taken from them. “I have  
“given an intimation alreadie to y<sup>r</sup> servantes at Oxford  
“to take of[f] all discouragement from theire thoughtes  
“as not by my direccon confin’d to the universitie, and  
“stopt from cominge hether. Want of tyme for pre-  
“paracon onlie I beleeve now keepes them from yo<sup>u</sup>, to  
“whom they cannott be more desirous to presentt them-  
“selves than I am willing of that purpose. Wherefore,  
“not doubting of yo<sup>r</sup> pardon for the rest untill better  
“opportunitie, I cease in some haste, resting ever yo<sup>r</sup> most  
“faithfull friend, J. E.”\*

Six days later, Hampden having meanwhile sent him  
all his generous and noble sympathy, Eliot wrote again.  
He could not, he said, expresse sufficiently how much he  
was bound to that free love of his that had for his  
friend such tendernefs. Much lesf could he hope ever  
to deserve it unless the acknowledgment might be  
imputed for a merit. “And in that dutie it is not  
“w<sup>th</sup>out unhappines to mee that there should be anie  
“thing soe secrett, as to my frend at all times I maie not  
“openlie communicate. But I knowe with whose judg-  
“mente I doe deale, w<sup>ch</sup> secures mee against all jealousie;  
“and in that respecte I shall reserve the quarrell with  
“my fortune untill I nexte shall see yo<sup>u</sup>, to answere  
“yo<sup>r</sup> affection w<sup>ch</sup> moves soe freele to mee.” One thing  
at that time he would add, to quiet and take trouble  
from that tender heart. Though the cloud were still  
real and remaining, yet it imported no further danger.  
Its aspect then was lesf for the inducement of an evil  
than for the check and opposition of some good. And

\* MSS. at Port Eliot: “Januar. 7<sup>o</sup>, 1630 [31].”

the Divine Power could determine all, and "turne malevolence into use." \*

The malevolence continued busy nevertheless. Before the Easter term some trifling irregularity of Richard's had afforded occasion for another censure in which the elder brother became also involved, and Eliot, having been strongly advised by the tutor of Lincoln to remove Richard from Oxford altogether, and having half resolved to remove them both, sought counsel from Hampden to whose house they again had gone, and who, upon hearing of the censure had busied himself to make personal enquiry into the circumstances for satisfaction of his friend. The letter is unhappily lost which stated the result of this enquiry; but Eliot's answer to his "dear friend" is dated the 22nd of March, and, while full of grief, is yet marked by tender and wise regard to the temptations the youths had been exposed to, and on which Hampden had doubtless been careful to dwell. Still did Hampden's love, he said, prevent all possibility of requital. What satisfaction could he make more than his prayers imported? At the occurrences related he had been deeply troubled: what to his friends, what to himself to say, upon an accident so unhappy, so unworthy? Yet when he took consideration of the place, of the company, what less could be expected? All resolved itself to that. The good would not have been there. While he grieved there had been such occasion, therefore, he could wish it were forgotten. Every circumstance being below repair, a larger discovery to be given to them would but make the wounds the larger. He should not, then, be curious to enquire who were the actors in the scene, or whether plots might be suspected. It was enough for him to know that his boy had shown folly. "I hope by God appointed to instruct him for the future; wherein my care shall be more, than for a prosecution upon this." One complaint only he seems

\* MSS. at Port Eliot, 13th Januar. 1630 [31].

Hampden is careful to say, in his reply, that there had been nothing to administer fear of a plot. And what otherwise he says is delightfully characteristic in its love for both the youths ; in its genial and gentle way of referring to both ; vividly suggesting, with praise of Richard's spirit, both the ill and the good in his character ; frankly expressing an absence of all misgiving as to John ; and with its wisdom of opinion blending just so much of modest submission and wise reserve as became such rendering to a father of judgment on the character of his children.

“ I hope you will receive yo<sup>r</sup> sonnes both safe, and that God will  
 “ direct you to dispose of them as they may be trained up for his service  
 “ and to yo<sup>r</sup> comfort. Some words I have had w<sup>th</sup> yo<sup>r</sup> younger sonne,  
 “ and given him a taste of those apprehensions he is like to find w<sup>th</sup>  
 “ you; w<sup>ch</sup> I tell him future obedience to yo<sup>r</sup> pleasure, rather than  
 “ justification of past passages, must remove. He professeth faire; and  
 “ y<sup>e</sup> ingenuity of his nature doth it without words; but you know  
 “ virtuous actions flow not infallibly fro. the flexiblest dispositions.  
 “ *There's* onely a fit subiect for admonition and government to worke

" on, especially that w<sup>ch</sup> is paternall. I confesse my shallownesse to  
 " resolve, and therefore unwillingnesse to say any thing concerning his  
 " course; yet will I not give over the consideration; because I much  
 " desire to see y<sup>t</sup> spiritt rightly managed. But, for yo<sup>r</sup> elder, I thinke  
 " you may with security returne him in conuenient time, for certainly  
 " there was nothing to administer feare [of] a plott; and in another  
 " action y<sup>t</sup> concerned himselfe, w<sup>ch</sup> he'll tell you of, he receaved good  
 " satisfaction of the vice-chancellor's faire carriage towards hime."\*

In a fortnight from his receipt of that letter Eliot had made up his mind as to the youths. Removing both from Oxford, he resolved to send Richard to serve a campaign in the Low Countries, and to give John that advantage of continental travel, which, though his friend bishop Hall had written so strongly against it both in prose and verse, † continued still to be a custom all but universal with youths of birth and quality. Hampden's opinion had of course some part in this decision, but mainly he had been guided to it by the youths themselves. He had taken the wise and considerate course of consulting their own feeling and desires. Their wishes had determined him.

Through the letter that announced this purpose to Hampden ran as strongly the wish to satisfy his friend's judgment as to thank him for his affection and care. "DEAR FRIEND," he wrote, "Having had some taste, such as this small experience can afford me, of the disposition of my sonnes, and in that, a larger character of the expression of yo<sup>r</sup> favour, I am now come to a conclusion for their courses, as may render me most hope for the future advantage of their service. The

\* From the MSS. at Port Eliot: not dated by Hampden, but endorsed by Eliot, "4th April, 1631." This is one of the letters printed by Mr. D'Israeli, who spoils its delicate intimation that the only merit of a flexible disposition is its openness to paternal admonition, by printing "*And love's only*," instead of "*There's onely*," &c.

† Hall had not only written a prose tract against the danger of sending young men to travel abroad, but had aimed his Fourth Satire especially against the practice of making it a part of a youth's education to send him to bear arms in the Flemish wars. It is to this that Hampden will shortly be seen to make allusion.



“yonger, who in this case yo<sup>u</sup> know must have the  
 “honor of precedence, being more apt, I think, for  
 “action than for studdie, I have design’d out for a  
 “Souldier, and he is now in preparation for the Nether-  
 “lands ; where I hope he shall have such direction and  
 “advice as may better the universitie for his manners,  
 “and not be without some advantage for his letters.  
 “His inclination seemes not ill in this short triall I have  
 “had ; but his affection moves most naturallie this  
 “waie, wh<sup>ch</sup> being not unworthy, I thought better to  
 “seeke him helpe therein, than, by a diversion, to divide  
 “his worke and nature ; wh<sup>ch</sup> maie have worse effects.  
 “The elder, knowinge this resolution for his brother, I  
 “finde not desirous to returne from whence he came : it  
 “being, as he takes it, a degree behinde the other ;  
 “and I confesse my judgment is not otherwise. There-  
 “fore, God willing, I purpose him for ffrance ; and  
 “both to be dispatcht w<sup>th</sup> all the conveyencie that  
 “may be. Though the yonger will be first, his pas-  
 “sage being provided w<sup>th</sup> my Lo : Veer, who intends  
 “to embarke this weeke : and the other shall not lose  
 “the first opportunitie presented, haveing obtained his  
 “licence,\* w<sup>ch</sup> is the only staie we have. This I could  
 “not but impart to my deer frend, whoe has hitherto  
 “been soe great a furtherance to this worke by the ad-  
 “dition of his care. And now I must desire that his  
 “prayers may second it, for the crowne of both our  
 “labours.”†

A week ‘earlier he had redeemed his old promise to  
 Sir Oliver Luke by sending both John and Richard be-  
 fore their departure to visit him at Woodend, his house  
 in Bedfordshire. He needed not, he said in the few  
 words accompanying them, to send him other letters than

\* The “licence” was what might in later time have been called a pass-  
 port ; a license to travel. Application had to be made for it to one of the  
 secretaries of state.

† MSS. at Port Eliot : “Tower, 26 Apr. 1631.”

those messengers to expresse the obligation which he had for his much love and favour. They, who were the best figures of his heart, went then to kisse his hands and acknowledge it; and, if there might be any service they were worthy of, to receive his commands therein. "The yonger I intend, God willinge, to send over into the Low Countryes to Sir Edward Harward: whither I hope he will have passage this weeke with my Lord Veer, w<sup>ch</sup> does impose a haile upon him more than ordinary. The other is likewise preparinge for ffraunce with all the speede he may, to serve in another climate, but under the same Lord who does disperse and gather up againe, His providence rulinge all. Our state heer they can relate, with the same ignorance in some things w<sup>ch</sup> most men are possest with."\* The visit was necessarily a short one; for before the close of the second week in May both the youths were gone, Richard taking with him to the officer under whom he was to serve a letter from his father.

Sir Edward Harwood, who had commanded regiments in the recent Low Country campaigns, and been also in the actions of Cadiz and Rhé, continued friendly relations, in common with many of the most deserving officers engaged in those expeditions, with the great parliamentary leader who most efficiently had protected *them* in laying bare the incapacity of Buckingham. Eliot now told Sir Edward that his son had an ambition to spend some time in the profession of a soldier; that he was young and unacquainted with the world, but he hoped inclinable to advice; that his disposition hitherto had shown no inconformity or unaptness to it; and that if Sir Edward would now receive him under his colours and command, holding before him the honour of his example, and, as occasion might be, his counsel, it would be a deep obligation to the youth and to his father. †

\* MSS. at Port Eliot: "Tower, 19th April, 1631."

† MSS. at Port Eliot: "Tower, London, 10th Apr. 1631. To Sir Edward Harward [Harwood]."

The travellers had not been many hours under fail when Hampden, in a letter full of character, told Eliot what he thought of the course he had taken respecting them. He was not quite satisfied; but his doubts are insinuated with such hesitation and delicacy, such deference and courtesy, such frank admission of his friend's clear insight and his own greater aptness to raise than to answer objections, that in every line we may read not only the rare affability and temper ascribed generally to this famous man, but also the subtle power of so conveying and enforcing his opinions to others as if desiring only to be himself better instructed and informed. To the opinion he had arrived at in this matter, it would seem certainly that Eliot's plans had not entirely given effect. He distrusted the foreign travel for John; and for Richard he had been devising some pet project of his own. A pity that now we may never know what was that "crotchett" so much out of the ordinary way, that such a man as Hampden was almost ashamed to express it to his friend!

"I am so perfectly acquainted with your cleare insight into the  
 "dispositions of men, and ability to fitt them with courses futable, that,  
 "had you bestowed sonnes of mine as you have done yo<sup>r</sup> owne, my  
 "iudgment durst hardly have called it into question: especially when,  
 "in laying downe your designe, you have prevented y<sup>e</sup> objections to be  
 "made against it. For if Mr. Rich. Eliott will, in the intermissions of  
 "action, adde study to practise, and adorn that lively spirit with  
 "flowers of contemplation, he'll raise our expectations of another S<sup>r</sup>  
 "Edw. Vere, that had this character, All summer in the field, all winter  
 "in his study: in whose fall fame makes his kingdome a great looser:  
 "and, having taken this resolution from Counsaile with y<sup>e</sup> highest  
 "wisdom (as I doubt not but you haue), I hope and praye y<sup>e</sup> same  
 "power will crowne it with a blessing answerable to your wish.

"The way you take with my other friend declares you to be none  
 "of y<sup>e</sup> b<sup>p</sup> of Exeter's converts, of whose minde neither am I super-  
 "stitiously; but, had my opinion bine asked, I should (as vulgar con-  
 "ceits use to do) haue shewed my power rather to raise obiections  
 "than to answer them. A temper between Fraunce and Oxford  
 "might have taken away his scruple with more advantage to his yeares:  
 "to visite Cambridge as a free man for variety and delight, and there  
 "entertain himselfe till y<sup>e</sup> next spring, when university studies and

"peace had bine better settled than I heare it is. For, although he be  
 "one of those, that, if his age were looked for in no other booke but  
 "that of the minde, would be found no ward if you should dy to-  
 "morrow; yet 'tis a great hazard, mee thinkes, to send so sweete a dis-  
 "position guarded with no more experience amongst a people whereof  
 "many make it their religion to be superstitious in impiety, and their  
 "behaviour to be affected in ill manners. But God, who ownly  
 "knowes y<sup>e</sup> periods of life, and opportunityes to come, hath designed  
 "hime (I hope) for his owne service betime, and stirred up yo<sup>r</sup> pro-  
 "vidence to husband hime so early for great affaires. Then shall hee  
 "be sure to finde Hime in Fraunce that Abraham did in Gerar,\* and  
 "Joseph in Egypt, under whose wing alone is perfect safety."

In a postscript he adds :

"Do not thinke by what I say, y<sup>t</sup> I am fully satisfied of your  
 "younger sonne's course intended; for I have a crotchett out of y<sup>e</sup>  
 "ordinary way, w<sup>ch</sup> I would have acquainted you w<sup>th</sup>, if I had spoken  
 "w<sup>th</sup> you before he had gone, but am almost ashamed to commu-  
 "nicate." †

Only one thing now remained to be done at Oxford. The bills left unpaid were to be settled; and what passed as to this, between Eliot and the fellow and tutor of Lincoln, will perhaps not be thought an uninteresting addition to the story I have told. Already it has been seen that it was Knightley's suggestion for Richard's removal which led to the decision as to both youths, and Eliot was careful to explain this to him. According to his advice, he wrote, he had taken fresh resolutions for his sons, and had disposed them to such courses as he conceived might best answer to the improvement of their nature upon the principles his teaching had given them. The younger being removed upon the impression of Mr. Knightley's reasons, the elder could not be left that step behind him without some prejudice to his time. Eliot thanked him however for his care in the instruction he had given them, and

\* "*Terar*"—Mr. D'Iraeli, who has printed this letter. Lord Nugent, who also had access to the original, has with a more extravagant perversion transformed the word into "*Sichem*" (*Hampden Memorials*, 74). The word is Gerar; and the allusion will be understood by all who remember or refer to the 20th chapter of Genesis.

† From the MSS. at Port Eliot: "*Hampden*, May 11th, 1631."

hoped *they* would live to do it. With all respect and love from himself, he was to receive the assurance that he should retain always a readiness unlimited to do him courtesy, and to reward him for the trials he had made. The monies he had taken up of Mr. Townsend were repaid. What else might be due to him or any others, Eliot had given order to be discharged by his servant Hill; who was to go to Oxford on his arrival from the country, and to dispose of such things as the young men had left, and which Mr. Knightley was desired in the meantime to preserve. And so with the remembrance of his love he rested his assured friend.\*

After something more than a month this letter was answered by the tutor. Writing then from Lincoln-college, and premising his best respects and observances, he craved pardon of his "worthy sir" for a slackness in answering his kind letter occasioned by extraordinary employments, which his son John had been desired to certify him of, and to plead excuse. Those being over, Sir John Eliot was the first of the friends to whose service he was bound by former favours and present promise. The news of his son Richard's remove had been *most welcome*. But as for his son John, he would have been well content, if it might have stood with conveniency, that it should not have been so speedy. Had he received but the least intimation of the resolution, he would have taken a little more pains in furnishing him with some other grounds of learning, of which he was in need. But his hope was that John's own industry, by God's blessing, might supply that defect. As for the things left in their chamber, he desired to hear, as soon as might be, how Sir John proposed to dispose of them. In the meantime they would be safe. The rest of the letter expresses so modest a bill for two young collegers of whom one was

\* Port Eliot MSS.: "27th April, 1631: To Mr. Tho. Knightley."

rather wild and unsteady, that one cannot but read it with surprize as well as satisfaction.

"The notes I sent, you may remember, amounted to 32/ 12s 4d : out of w<sup>ch</sup> substraete 30/ received of Mr. Townsend, theire remained due, for the former quarter, 2/ 12s 4d. Besides, for the last quarter, these particulars :

"Your sonne John			
"Imprimis Butler for 6 weekes	. . . . .	2	11 10
"Item Dutys . . . . .	. . . . .	—	2 10
"Item Laundresse . . . . .	. . . . .	—	2 6
"Item Chambers . . . . .	. . . . .	—	6 3
"Item Servitour . . . . .	. . . . .	—	6 —
"Item Mending a paire of stockings (w <sup>ch</sup> were sent to be mended at his going away) . . . . .	. . . . .	—	— 4
"Item The carriage of two trunks to the caryers . . . . .	. . . . .	—	1 —
"Item Introduction to Astronomie (left unpaid at bookbinders) . . . . .	. . . . .	—	— 3

"Item Yo <sup>r</sup> sonne Richard's butler in y <sup>e</sup> colledge . . . . .	. . . . .	3	18 3
"Item Dutys . . . . .	. . . . .	—	2 10
"Item Laundresse . . . . .	. . . . .	—	2 6
"Item Chamber . . . . .	. . . . .	—	6 3
"Item Servitour . . . . .	. . . . .	—	6 —
"Item Mending a pair of stockings (left to be mended at his going away) . . . . .	. . . . .	—	— 4
"Item Introduction to Astronomie left unpaid to y <sup>e</sup> bookbinder . . . . .	. . . . .	—	— 3
"Item To the woman for rubbing their chamber . . . . .	. . . . .	—	1 —

"The whole summe amounts to 8/ 8s 5d, out of w<sup>ch</sup> substraete the 8/ caution (w<sup>ch</sup> at theire first coming was layd downe in the burfar's hand, and is now to bee taken up) theire remaines due for this last quarter the sume of 8s 5d, w<sup>ch</sup> being added to the former summe theire remaines in the totall 3/ 9d. Thus much is due to others. As for tuition w<sup>ch</sup> concernes myselfe, I referre it wholly to your owne courtesye. Thus expectinge to heare from you shortly, I comend you to God's grace in Christ, and rest your most observant and truly loving freind, THOMAS KNIGHTLEY."†

Eliot replied at the beginning of the next month. He had been waiting for his confidential servant Hill to take Oxford in returning to the West ; but other busines preventing it, he now sent a "footman" to

\* MSS. at Port Eliot : "Oxf. Coll : Lincolne, Jun: 6, 1631."

receive the furniture of the chamber his sons had left, and to pay the monies due upon Knightley's notes, which Eliot found to be "three pounds ninepence, and twelve pounds more for tuition: w<sup>ch</sup> as I thinke," he continued, "is the summe that is behinde; ther being in all three half yeares upp<sup>n</sup> the accompt, whereof one was paid before. I know not in the proportion whether my sonnes informed mee rightly, because from yo<sup>u</sup> I never had demand: but if in this I be mistaken, and come short of yo<sup>r</sup> expectance, I shall be ready upon noatice to reforme it, having noe meaninge to be les<sup>s</sup> thankfull for yo<sup>r</sup> favours than the most affected in that kinde; and yett my love shall be unlimited in any office I may doe you to prove me further y<sup>e</sup> assured freind, J. E."\*

Testimony otherwise abounds of Eliot's liberality in all money arrangements, and it is to be assumed therefore that a fellow and tutor of one of the Oxford colleges was handsomely paid two hundred years ago at the rate of six pounds a year for a single pupil. His allowances, on the other hand, made to the young men for their expenses abroad, were on a scale not inconsiderable even measured by modern values. At first he had set apart a hundred a year for John; but upon the youth's own representation of his wants the sum was doubled, and became in the proportion larger than we find lords of the greatest estate then allowing to their sons.

John's first letter after arriving in Paris opened up this all-important subject; and his father's reply, written on the last day of June, has many points of interest that will commend themselves to the reader. Especially will be noted what is said of that "strength" of France which is only the "recreation" of England; and what is so wisely and tenderly impressed upon this eldest son of the extent to which his own happiness must necessarily consist in the happiness and advancement of his brothers and sisters.

\* MSS. at Port Eliot: "Tower, 9th July, 1631."

“SONNE,—Having with much satisfaction by yo<sup>r</sup> lettre the assurance of yo<sup>r</sup> safe passage and arrivall unto Paris, I take it as a prediction to my hopes that the same Power w<sup>ch</sup> brought you thither, will not leave yo<sup>u</sup>; but in all things be a Superintendent of yo<sup>r</sup> actions, and at the revolution of yo<sup>r</sup> time guard yo<sup>r</sup> returne againe. My prayers are still with yo<sup>u</sup>; and what els maie be expected for yo<sup>r</sup> good, shall not be wantinge in my purpose. The proposition of allowance w<sup>ch</sup> I made yo<sup>u</sup>, was not definite but expresseive; and yo<sup>u</sup> maie remember the reason that I gave yo<sup>u</sup> of my care, w<sup>ch</sup> had reflection upon others, but made the first prospect y<sup>r</sup> selfe. It is yo<sup>r</sup> good, my affection seekes for; and by that the like is promised to the rest. In the happines and advancement of yo<sup>r</sup> brothers and sisters, much of yo<sup>r</sup> happines will consist; and yo<sup>r</sup> frugalitie must bee an opportunitie to that, for w<sup>ch</sup> I gave you but a caution in the summe, without restriction if there were necessitie of more. To that end yo<sup>u</sup> know was the creditt yo<sup>u</sup> receav’d, whose measure was the limitt of yo<sup>r</sup> discretion. But because yo<sup>u</sup> crave it more particularly, these are for resolution in that point. I have perus’d yo<sup>r</sup> noate, and by the rule of those proportions doe acknowledg a hundred pounds too little. Your studies and exercises I would not have neglected, w<sup>ch</sup> are for the ornament and abilitie both of the mind and bodie, and a maine part of the intention w<sup>ch</sup> you travell for. Onlie the riding has little profit in the use, though it be of reputation in that cuntrye, where their cavallerie is their strength: it beinge to an Englishman but a worke of recreation, and but lasting in that meridian. However, therein lett yo<sup>r</sup> owne likinge guide yo<sup>u</sup>. I onlie intimate the difference of the places ffor yo<sup>r</sup> accommodation in all. What shall be sav’d of 200/ shall be imputed to yo<sup>r</sup> thrift. Soe much I am willing to allowe yo<sup>u</sup> for the first yeare, in hope the next maie be more cheape. What maie be requisite for yo<sup>r</sup> qualitie can have noe obstruction in my will, as my confidence is w<sup>thout</sup> limitt in yo<sup>r</sup> modestie. Lett me heare as often from yo<sup>u</sup> as yo<sup>u</sup> cann. Yo<sup>r</sup> lettres are still welcome; and when there is anie intelligence of thinges newe, wee are here gladd to knowe it, making the judgment of o<sup>r</sup> selves out of the state of others. I have not yet heard from your brother since his goinge. All in the cuntrie I thanke God are well. I hope yo<sup>u</sup> shall all contynue soe till our meetinge, through His blessinge that protects yo<sup>u</sup> whoe is the rock and castell of your Father, J. E.”\*

Our next intelligence of John is from a letter of his father to Hampden of the 19th of July, in which he tells him that of his servants beyond the seas there was yet but small intelligence. “The Souldier I have not heard from, since his goinge. His brother hath sent

\* MSS. at Port Eliot: “Tower: ult. Jany. 1631.”



"twice since his arrive at Paris, where I thanke God  
 "hee's well, as I am hopefull of the other. And at  
 "their opportunities I know yo<sup>u</sup> shall heare from both."  
 The youths had promised to write themselves to that  
 true friend; but Eliot meanwhile sketched for him John's  
 budget of foreign news. The affairs of the Cardinal in  
 France (Richelieu) had a daily growth and exaltation, and  
 his adversaries were going down. Some new messengers  
 to the parliament had gone lately from "the Mounfier,"  
 but were committed without hearing. The Q. M. (queen  
 mother) was still restrained and kept at distance from  
 the court, if not retired by escape to the archduchess;  
 and all the lesser stars and planets of that hemisphere  
 were without light, while the greatness of the favourite  
 triumphed in power and glory, like the sun in full  
 meridian.\*

Two days later he sent the same news more briefly to  
 Sir Oliver Luke, telling him that as yet he had heard  
 nothing from Dick in the Low Countries, but that John  
 had written to him very recently from Paris of the  
 greatness of the Cardinal still growing, and of the for-  
 tune of his "oppositts" in continual decline.† To this  
 news, after a few days, Hampden replied with expression  
 of his hearty gladness that his "friend in France" was so  
 well; and told Eliot that captain Waller had been lately  
 in Bucks, when to his shame and sorrow he was unable to  
 entertain him.‡ Nor was it an accident to couple thus,  
 in writing to Eliot, the name of his boy with that of his  
 old kindly admiring friend, the ex-member for London.  
 We shall shortly find Eliot himself describing Waller  
 as his convoy to all parts, and the person to whom he was  
 mainly indebted not only for the safety of his general  
 intercourse with friends, but for the means especially by  
 which his sons' letters reached him from abroad.

\* MSS. at Port Eliot: 19th July, 1631.

† *Ib.* 21st July, 1631.     ‡ *Ib.* 27th July, 1631. (P.S.)

In the last week of July Eliot had Dick's first letter; and the same all-interesting topic that formed the theme of John's had now also suggested his brother's. Eliot adverts to it with a pleasant humour in his next communication to his servant Hill. "The monie w<sup>ch</sup> you now "return'd I believe will supplie my particular uses till "Michaelmas, but ther must be provision for my "sonnes. Dick saies his quarters are too long. He "would gladly have a lawe to shorten them; and to the "many daies of issuing, would hav more than one "appointed for receipt. His brother in France likewise "has taken up some more monies w<sup>ch</sup> must be heer "repaid." \*

To the brother in France he had written shortly before to check his filial resentment in a matter affecting himself. His own old adversary in debate, Sir Thomas Edmundes, had gone lately ambassador to France; and the youth supposed that this representative of majesty had taken occasion to treat him indifferently, and show him slight, as the son of a man in disfavour with his sovereign. Heed not such things, said Eliot in reply. "For the Amb<sup>r</sup>, respect him in his manner: "you shall not need his courtesie. What might have "been merited by his love, should have had an acknow- "ledgem<sup>t</sup> that is equall; and the neglect, I doubt not, "may yett be answeard by the like." He then, grateful for John's news that he was well, told him that Dick had at last written; also, he thanked God, enjoying his health, and likely to do well if himself hindered not. Next he observed that John had made no alteration in his handwriting, which was small and defective.† "My "thinkes you should perceave ther is some reason more "than ordinary that I touch soe small a string soe oft."

\* MSS. at Port Eliot: 5th Septemb<sup>r</sup>, 1631.

† He had not materially altered it after many years, to judge from some specimens of his writing at Port Eliot during and after the Commonwealth.

Strikingly he reminded the youth that imitation was the "moral mistress" of our life; and that in this, as in graver things, he was to "take somethinge from others whose knowledge and experience is more than boyish or pedanticke." Then asking, when next his son wrote, to be informed how his man "framed himself," and what degree of satisfaction France afforded, he closed by saying that he was himself in the same condition as when John had quitted him; free, he thanked God, though a prisoner; *being without captivity of the mind.*\*

The last of these letters of Eliot to either of his sons that have survived to tell so impressively the story of his tender care of them, and to preserve now for others the wise advice and lessons addressed to them, bore date the first of the following month. John had written to him of an occasion presented for his passing into Italy in company with some friends of quality and title, and his father replied by objection in all points extremely characteristic of him. His reference to the titled friends, his remarks on the danger of the seasons in Italy, his aversion to the Romish territory, his rooted dislike of Spain, and his manly faith in the knowledge to be gained from observation of the civil conflict in France, are all in a high degree interesting.

"Sonne,—I have received and considered of your letters which mention your desire and reasons to passe speedily into Italy. Good company, I knowe, is a choise thing, and as a pleasure for an advantage in your travells, which I presume you studie, not for name only or the affection of some title, but as it meetes with virtue, and then it's truly valuable, that being the crowne and dignity of all honour. The opportunity I confesse which such company does present is a fair motive for the journey, but the time, I doubt, not yet seasonable to answer it. Autumn in those parts is most dangerous to strangers: the abundance of their fruites, the corruption of their aer through the strife of heat and moisture, and the natural disposition of all bodies to sicknesse and infection in the return of the blood, makes it at first more fearful, which, by acquaintance with the place taken in fit

\* MSS. at Port Eliot: "Tower, London: 1st Aug<sup>t</sup>, 1631."

"tyme, is without doubt or trouble.\* Besides, the plague has rained  
"generally in that country, and some townes still are visited, by which  
"both the aer and houses may be yet suspected, untill some frosts  
"correct them. So as I finde noe safetie promised in this tyme neither  
"for you nor others, who perchance upon better considerations will  
"resolve to stay till spring.† Again, that reason which you give for  
"the advantage of the language, has its truth meerly the contrary: for  
"if without knowledge in the French you first shall seek the Italian,  
"that will be then less pleasant and soe more difficult; by which the  
"more necessary will be left, to be then gained when perchance there  
"will be less leisure ‡ for it: whereas if you shall yett gaine § some  
"perfection in the French, and then pass || into Italie, what you there  
"lose will be regained againe at your returninge homewards, and you  
"become a master in the tongue. This winter spent in France I hope  
"will be enough for preparation, and then at springe you may pass  
"from thence to Italie. For the danger that's pretended in your  
"travells in those parts only with private company, I am confident  
"there is no reason but what the sickness may occasion, and that  
"admits no privilege. The territories of the Church I hope you will  
"avoid (those I confesse are dangerous, as all Spaine, which by noe  
"meanes I can allow you once ¶ to enter), but other parts are free,  
"and peaceable as is England, where, with discretion, you may as much  
"rely on your safetie. For the present troubles in France I conceive  
"little cause of doubt. To strangers they import \*\* noe hazard or  
"adventure more than voluntarily they incur, but much advantage of  
"knowledge and experience they may yield: which I did think the  
"hope and spirit of that gentleman from whom you received that  
"argument would not have declined. Thus much in answer to  
"your letter, which I make only an †† advise. I wonder you never  
"wrote since your going over, of Monsieur Durant. His wife  
"inquires here for him, whom I would gladly satisfie as know how  
"you have agreed. Be careful in your religion; make your devotions

\* This is one of the letters printed by Mr. D'Israeli, who, by stopping at the word "fearful," and (besides previous smaller omissions) omitting the fifteen words that follow, turns it into nonsense.

† Mr. D'Israeli summarily reduces this sentence of six and twenty words to the following twelve: "I leave to your better consideration to resolve to stay till spring." For the two succeeding words in the next sentence, "againe that," "the" is substituted.

‡ "Less" omitted by Mr. D'Israeli.

§ "Gett againe"—*Id.*

|| "Gett"—*Id.* who prints also the fifth following word "then," and the last word in the sentence "tongues."

¶ "Ever"—*Id.* who prints "in" for the following "is."

\*\* "Impart"—*Id.* who prints the following words in plural, and, in the next line, "insure" for "incurr," and "such" for "much."

†† "On"—*Id.* who prints, in the next line, "being" for "going."

"frequent; seeke yo<sup>r</sup> \* blessing from above; drawe your imitation to  
 "good patternes; lett not vaine pageantries deceive you; prepare your  
 "estimacon by your virtue, which your own carriage and example must  
 "acquire; wherein you have assistant the most earnest prayers and  
 "wishes of your loving Father, J. E." †

Whether the advice was followed implicitly, or to what extent, is not known to us. In the following March, Richard was on short leave from military duty, ‡ and had visited his father; but nothing more is traceable of John until shortly before his father's death. Early in the December of this year, in a letter to "Sweet Mrs. Corbett," Eliot was lamenting his great loss by the death of captain Waller, "who was my convoy to all parts, and with whom I lost the generall intercourse with my friends, haveinge not since his death heard from my sonne in ffrance;" § and the few surviving letters of a date subsequent to this event show how very serious to Eliot the loss of poor Waller had been. From his sons there are no more tidings; and here for the present we lose sight of them. They have acted their parts in a story worth remembrance.

It has been told uninterruptedly. Not otherwise could justice have been done to what was most instructive and interesting in the successive stages of Eliot's intercourse with his elder sons. But his other children have also had full share in his solicitude, and such notices of them as are still recoverable from his letters will be not unwelcome to us.

The youngest had died in the month following Eliot's sentence. I mark the date by a note of the 16th of April about the purchase of mourning for his sons at Oxford. He was expecting them at Whitfuntide, but

\* "*The*"—Mr. D'Israeli; who mistakes the following "pageantries" for "*pedantries*;" and in the last line prints "*assistants in*."

† MSS. at Port Eliot: "1st Septemb<sup>r</sup>, 1631. To Jo: Eliot."

‡ "Commend my service to the soldier," writes Hampden (21 March, 1631-2), "if not gone to his colours"—misprinted *colonel* by Mr. D'Israeli.

§ MSS. at Port Eliot: 5th Decemb. 1631.

told them at once to get what clothes were necessary. "Better there than here, in respect of the trouble of sending. And in that observe your own convenience, either for cloth or stuff as may be answeareable to mourning. Your sifter, I thank God, is well, at Stephney; and was yesterdaie here with me." \* This was his daughter Bessie, now a girl of fourteen, whom he had placed at a lady's school or boarding house at Stepney; to the end, it may be supposed, that while all needful accomplishments were taught in that temporary home, she might also be within his own reach, and make occasional sunshine in his prison.

Of Edward, Bridget, and the others, we learn something early in July from a letter to his "good cousin," Mrs. Langworthie, to whom he writes that not having the liberty himself to be present with his little ones, he presumed by that messenger to desire they might remain within her view. Since her first kind acceptance and consent to that motion, it had pleased God to send a sickness to them by which their number was now shortened; and their father's care being the more narrowly contracted, could not become less to those that remained. He should therefore take that benefit of her favour, and send the children to her with their mistress, on whom he desired her eye might be so cast as to see them ever in fit order; for which he had appointed all things that might be necessary for their use, and such servants as his cousin should think convenient. Wherein, he added, Mrs. Langworthie's directions would carefully be observed, and he should acknowledge it a great obligation of her love, in correspondence of which he would ever rest her most affectionate kinsman.† The arrangement was continued for some time: but expressions of his anxiety for these little ones, so sorely needing a mother's care, break from him meanwhile very frequently,

\* MSS. at Port Eliot, 16th April, 1630. "To my "sonne Jo: Eliot."

† MSS. at Port Eliot: "Tower: 2d July, 1630."

and he never seems perfectly at ease respecting them. To the enquiries of Sir John Corbet's daughter, at the close of the following month, he replied with something less than his accustomed cheerfulness, though resigned and calm. His little flock, he told her, had the same Shepherd who took care for all. They were now as in the wilderness, "expos'd to the violence of these tymes, and "sharers in my fortune, yet still kept by Him." One had been shortened in their number, and the rest lately visited with sickness. But, restored again, they rested under the shadow of His mercies, who he hoped would yet feed them in His green pastures, and lead them forth beside the waters of comfort. To His protection he left them. His prayers continued to be the whole office he could himself do them, and were in general his whole duty to his friends, which he must desire the "sweet Mrs. "Corbet" likewise to accept from her most affectionate servant.\* It is not until more than a year later that any further change is intimated. But we find him then writing to his servant Hill that he had not changed his purpose for his daughter Bridget; that on the previous Saturday he had an "entercourse from Mrs. Frinde "about her;" that her place was ready for her coming; and that he was to prepare accordingly to bring her up, whom he beseeched God to bless with all the rest.†

\* MSS. at Port Eliot: 24th August, 1630.

† From the MSS. at Port Eliot: 9th October, 1631. I may mention here the fresh arrangements, which had been completed several months before, for settling the trust of his estates conformably to the dispositions of his father-in-law's will. The matter occupied him from July 1630 to February in the following year; the drafts of the trust having been sent by him in the previous December to Robert Mason, who had argued his demurrer. ("You shall receive heerin," he wrote, "the scope of my intentions, w<sup>ch</sup> I pray digest to the best advantage of y<sup>r</sup> judgment. I have "presum'd to propose y<sup>r</sup> name for one, amongst those others I shall trust; "and desire yo<sup>r</sup> allowance in itt, w<sup>ch</sup> shall not be an occasion of yo<sup>r</sup> trouble, "further than for advise and counsell sometimes, when it may be helpfull "to the worke."—Eliot MSS. 15 Decemb<sup>r</sup>, 1630). Little more than two months afterwards he wrote to a kinsman of his, Boscawen, whom he had chosen for another of the trustees, in more detail. "S<sup>r</sup>," he said, "Having "a great confidence in y<sup>r</sup> worth, as I finde you to have beene selected by

The same plan was to be followed as with her sister Besse.

That young lady had passed nearly all the intervening year at Sir Oliver Luke's, where she had gone at the close of the preceding June. As a testimony of confidence in his love, her father wrote to Sir Oliver, he had sent him his charge, who he hoped in all things would conform to instructions, as he should himself be thankful in her receiving them. Let no one by themselves attempt to estimate the proportion in which such kindness must oblige her father in his prison. Whether he should have such liberty as to be permitted to receive a visit from Luke, he should speedily hear. But far greater than the tender of himself, in the influence on his cares, was the desire for the felicity and the good of those little ones, of whom one now went to kiss Sir Oliver's hands. "As an object for the height of yo<sup>r</sup> charitie I send her; as a meanes to take it and convey it unto mee; whose prayers must answere for the satisfaction of that debt, having neither power nor possibilitie to acquitt it." But if it should please God

"my ffather-in-law, I have presum'd likewise, for myselfe, to name you in a trust for the manage of that poore sfortune, *wh<sup>ch</sup>*, *through the envie of these times, I may not call myne owne*. As it concernes a prisoner, I cannott doubt yo<sup>r</sup> readines to take such an object for y<sup>r</sup> charitie; but the interest of my children, havinge a present likenes to the necessitie of orphans, and their extraction from y<sup>r</sup> blood & kindred, give me noe les assurance in y<sup>r</sup> love, than my libertie might importe. Y<sup>r</sup> trouble will onlie be for the sealinge of some leases now & then, upon compositions of my tenants, for *web*, as there is occasion, I have appointed this bearer, my servant Maurice Hill, to attend yo<sup>u</sup>, to whom y<sup>r</sup> dispatch in that behalf shall be a full satisfaction of the trust, as the pardon of this bouldness will be an expression of yo<sup>r</sup> favour that shall oblige me, your most affectionat frend and cosen, J. ELIOT. Tower, 28 ffeb<sup>r</sup>. 1630. To my cosen Boscawen." Eliot MSS.—This letter is among those printed by Mr. D'Iraeli, who puts "*disturbances*" for "*envie*," omits the closing lines, and makes the following extraordinary nonsense of its affecting second sentence: "As it concernes a prisoner, I cannot doubt your readines to take such an object *from* your charity; but the interest of my children, *being* present *likewise* in the necessity of orphans, and their extraction from your blood and kindred, gives me no les assurance in your love than my libertie might impart!"



to make him master of himself, his tongue should remember what then might be forgotten.\* On the same day he wrote to Lady Luke. He had presumed, he said, upon an interest which her husband had assured him in her favour, to trouble her with a charge, his daughter, who he hoped would be observant to her will. He knew it was a great boldness in him to attempt it, having no title or merit to pretend; but the knowledge of herself, as it made him thus presume, made him also confident of her pardon, and that her goodness would incline her to an act of so much piety. "It has a treble object in it: the Motherless for yo<sup>r</sup> charitie; the Disconsolate for yo<sup>r</sup> pittie; the Prisoner for yo<sup>r</sup> visitt. All these are in her for the exercise of yo<sup>r</sup> virtue." And so, with affecting repetition of his love for her, as in itself "satisfying" his otherwise evil fortune, he commends her to Lady Luke's care.†

A few months after, those friends at Woodend seem to have sent him a playful letter, suggested by rumours of his release. So prevalent were they at the time, that he had to tell Knightley he was become himself almost doubtful in what place he was, and whether his condition were not separate from his person, in so many ways had he heard from the country of his own freedom and enlargement.‡ And now, on the same day, he wrote to tell Luke that his letter had found him where he was, though its last direction was mistaken. His business and employments in London would, he hoped, excuse him that he waited not, that summer, on himself and Lady Luke; but if they had any occasion to command him anything in the Tower, he was ready to serve them. "Soe farr I enjoy the freedome w<sup>ch</sup> you have given me in the countrye. The other duties w<sup>ch</sup> are owinge

\* MSS. at Port Eliot: "25th Jany. 1630."

† MSS. at Port Eliot: "Tower, 25th Jany. 1630. To y<sup>e</sup> La: Luke."

‡ 5th July, 1630. "Had I not," he begins his letter, "a more necessary attendance heer, I could make a journey into the country to learne what newes concernd myselfe."

"to yo<sup>r</sup> merit, I must praise yo<sup>n</sup> by proxy to accept;  
"and that, I enjoin my daughter to performe. In her  
"you have my visitte. In her you have my thanks  
"for the multitude of yo<sup>r</sup> favours. And what for her  
"is due, must be acknowledged by herselfe; ther being  
"no power in me but for the memorie of the debt."  
And so, kissing Lady Luke's hands, he rested their most  
affectionate friend.\*

Replying to this, Luke had written more gravely of  
such grounds as appeared to exist for expectation of a  
parliament; and was answered by Eliot more decisively.  
By that time (he wrote on the 10th of August) his  
friend would have seen the error of his intelligence,  
which had been grounded on the words and outside, but  
had no light of the inside and meaning of their master.  
There were yet many things to come before the oppor-  
tunity he looked for; and time had a great work of  
preparation, if it should be feasible, to fit itself for that.  
Much might be pretended in the meanwhile, and per-  
haps some quick expressions made; but to delude, not  
satisfy. The current ran against it; and though some  
air moved it superficially on the wave, it was not na-  
tural. The depth and stream went otherwise, and car-  
ried all things to their fall. And yet, added Eliot,  
closing fitly that calm and wise inculcation of patience,  
"our hope and expectation is the same." Of his  
daughter he then spoke. "For the instruction of my  
"daughter Bessie in musick, as you are pleas'd to  
"lett down yo<sup>r</sup> thoughts to that particular, I cannot  
"but, with the acknowledgm<sup>t</sup> of yo<sup>r</sup> love, gladlie im-  
"brace the occasion; and if ther may be without your  
"trouble that advantage given her, I would not have  
"her to neglect it. What entertaynment the teacher  
"shall merit, shall be given him; and if ther want  
"instrument, or anything, from hence, upon notice it  
"shall be presently provided." A pleasant picture closed

\* MSS at Port Eliot: "5th July, 1630."

this striking letter. The season for game began then a little earlier than now, and Luke had sent him already a liberal supply. "Your present comes soe well at all" "pointes as besides the woodman and the cook it com-  
"mends the carrier." Sir Oliver might rest certain that by himself and Long justice should be done to it. They had wanted some return to answer it; but all about them that was free was their acceptance and their thanks, and might not that suffice? "Our service is  
"ingaged merrily to eat it; and my neighbour, leaving  
"his hawkes, does mean to fly himselfe at this!" \*

At the time when this letter reached Woodend, the Lukes had Hampden with them on a visit; and Sir Oliver told Sir John what increased enjoyment it had given to his letter. That was on the 19th of August; and on the day before, Hampden himself, again at his own house in Bucks, had also written to his friend of the visit to "our Sir Oliver." He wrote indeed, as he said, rather to let him know that he was frequent in his thoughts, than for any business which at that moment required it; and if those thoughts could contrive anything that might conduce to his friend's service, he should entertain them with much affection. Yet was Hampden conscious of a motive for writing just then, very warm at his heart, even as he set down these formal phrases; and his thoughts at the moment had succeeded in "con-  
"triving" both pleasure and service for his friend. He was to give him happy tidings of his daughter Bessie, and to offer some advice respecting her. Lady Luke was against her returning to the school at Stepney, and for himself he had a dislike of all schools of the kind. The danger of such "establishments" to girls entering womanhood, frequently enforced, receives here a startling confirmation on high and unexpected authority.

"This last weeke I visited S<sup>r</sup> Oliver, and with him  
"your vertuous daughter, who meetes w<sup>th</sup> much happi-

\* MSS. at Port Eliot, 10th August, 1630.

"nesse by her intertainment in that place; for he is not  
 "for a man (to whō you will give suffrages) more  
 "compleate than his Lady is for a woman friend. She  
 "gives an excellent testimony of yo<sup>r</sup> daughter, both in  
 "regard of y<sup>e</sup> fruits of former breeding and present tract-  
 "ability: but if I mistake not, she'le not give consent to  
 "her returne to y<sup>e</sup> coñmon mistresse. Not for any par-  
 "ticular blame she can lay upon her, but that in such a  
 "mixture of dispositions and humors as must needs  
 "be mett with in a multitude, ther will be much of  
 "that w<sup>ch</sup> is bad; and that is infectious, where good  
 "is not so easily diffusive. And in my judgment there  
 "is much more daunger in such a nursery than in a  
 "schoole of boyes, *for though an ill tincture be dangerous*  
*"in either, yet it is perfectly recoverable in these, hardly*  
*"or never in y<sup>e</sup> other." \**

Here, like her brothers, the little girl vanishes from our view. But we may have some confidence that the interest she has won for her father's sake will not be weakened by the tragedy of his death, and that the same affectionate care will surround and cherish her in that worst trial. Not without reason did Eliot give thanks to the All-merciful for friendship "such as few men could have known;" and to represent it now, and with it all by which it lightened and assuaged his weary imprisonment, four famous names may be singled out for never-ceasing association with his memory.

\* MS. *pene me*. Hampden to Eliot. At the close of the letter, in a passage already given (*ante*, 575), he speaks of having his "Academicke friends" to visit him; and after subscribing himself "Your faithfull friend ever, JO. HAMPDEN," he adds, "Present my love to Wat Long." The letter is addressed "To my noble friend S<sup>r</sup> John Eliott at his lodging in the Tower." As in the case of another, less interesting, which Mr. D'Israeli found in a box at the British Museum (*Commentaries*, i. 545), and wrongly supposed to have been therefore intercepted, this letter had passed out of Eliot's keeping. Both must have been received, for to both he replied.

## III. FOUR STAUNCH FRIENDS.

Three out of the four will already have named themselves. The letters quoted have spoken for them ; and John Hampden, Oliver Luke, and Richard Knightley may live together hereafter in history not less for their love to Eliot, than for their continued fidelity to the cause in which he suffered. The fourth was Bevil Grenville ; endeared to him by local and family connections with their common birthplace in the west, who died afterwards fighting for the king at Lansdown, and on whose grave the immortals of Clarendon lie still unwithered.

Not to make light of other friendships that brought comfort to his prison, or to lessen the value of the warm greetings that reached him in this dreary time from many old house-of-commons' associates, do I thus give separate prominence to four friends ; but because in their case an intercourse was kept up of such peculiar confidence as to have rendered the letters that embody it a portion of Eliot's character and life.

All his thoughts went out to Hampden. We have seen the part played by this famous man in the story of the young Eliots, and something also of that equal service he was to render in connection with anxieties as to another kind of offspring. Whether for wise counsel in any trouble about those sons, or for delicate answer to any doubt concerning products of his brain, the first resource was Hampden. But there was also something beyond this. In that country gentleman of Buckinghamshire Eliot had discovered the possessor of qualities that could satisfy all his nature ; to whom he could speak of things that were matter of deeper concernment even than his books or his children ; from whom the cravings of his own individual being found response ; and in whom he could repose not alone the hopes that have rest and abidance here, but the thoughts that pass beyond this

little life and "wander through eternity." To Hampden he seems to have turned instinctively, whenever, whether in health or sickness, his fancies took other range than that of his ordinary prison life and its heroic patience. Throughout the composition of his treatise of philosophy now shortly to be further described, Hampden was his chief adviser; in whatever yet attracted him as to public affairs, the appeal was first made there; and when the closing scene drew on, and the nearer fulfilment of the Promise opened to the weary prisoner all its certainty and glory, it was Hampden who received those last assurances of faith and hope from his dying friend.

One of Eliot's earliest letters to him after his sentence, though written upon no special need or occasion, will in some sort show this distinguishing character of their intercourse. He began by telling him that after his pleasures in the country it might be some entertainment to his leisure to hear from his poor friend in the Tower; and in that hope, as one whom his love had so entitled, he was then writing, though with no other subject before him than a desire to draw some intelligence from himself. It was a great want he had for the assurance of Hampden's health; nor for a thing so precious could he be affected with small care. "Think not 'tis in compliment I tell it you, I profess it's truth, that both the reason and estimation are soe great as if you be not tender of yourselfe you shall not faile to answear it as an infinit injurie to me." He had no news to give him but the happiness of the place he was in: which was so far like a paradise that there was none to trouble them there but themselves. All company was gone, but some books and the records; and "that opportunitie which multitudes have sought for, I have freele given me."

And yet he *had* one piece of news; for they might shortly expect to see a new face "if ther be constancie in the winds." A successor had been appointed to

Sir Allen Apfley in the person of a Scotch officer, Sir William Balfour, who, having shown himself at the action of Rhé\* in an especial manner the creature of Buckingham, had become thereby odious to Eliot, had been marked out for the favour of the king, and was now the new lieutenant of the Tower with power for evil or good over Eliot's destiny. There was certainly appointed them, he told Hampden, a new lieutenant. There wanted only a qualification of the man by an act of denization, which was preparing; and that done, which was promised on the morrow, they then expected that worthy instrument Sir William Balfour. "Soe much  
 " were the antients short of the wisdoms of these times,  
 " that wee studie not the fitnesse of the places for the  
 " men, but having made our choice, then doe give the  
 " man an aptnes for the place." The sarcastic vein thus opened, Eliot pursued it characteristically.

Besides that new face to come, he must tell Hampden of some faces they had lately seen which in themselves and the occasion were remarkable. Among the other rarities of that abode in which they were, there had been newly exposed some part of the royal jewels: and with them the font in which, a week or two before, the newly born prince (Charles the Second that was to be) had been christened; to which crowds had been daily repairing ever since. But what would Hampden think of finding, among the "eyers to that spectacle," *a blind man!* Such was the fact. "With the rest, and  
 " I think not much behinde the first, ther was a blinde  
 " man, a preacher; soe much forgetfull of his calling  
 " and condition, that 'tis not easilie resolv'd whether he

\* See *ante*, 78 and 97.

† Here is Laud's welcome in his *Diary* to this new Defender of the Faith.  
 " Maii 29. 1630. Saturday, Prince Charles was born at St. James's, *pauc*  
 " *ante horam primam post meridiem*. I was in the house three hours before,  
 " and had the honour and happiness to see the Prince before he was full one  
 " hour old." *Works* iii. 211-2. A month after, Sunday June 27, the christening took place.

“ did more wonder or were wonder’d at.” Hampden was not to suppose his friend spoke from report of others. He had himself seen the man press forward through the crowd. Doubtless he would ask, what pleasure to a blind man in the glory of an object? What beauty could delight him that had not sense to see it? “ I knowe not; but in him I see a true character of the world. If examples prove, surely he is justifiable in this; the greater giving authoritie to the lesse, and the like and more being generallie done by all men, by most without prejudice I maie say. Who is not taken with false riches? Who does not idolatrize proud honours? Who covets not the corrupt theatres of emploiment, and travels not in the expectation and admiration of these things? And in what do those differ from the spectacles of a blind man? What more use and advantage can they give? Can we see anie benefit they reflect? Naie, can we touch it with the true perception of the soul? Sure, ’tis rare to find it; and, in the common affectations that doe move, even the ends proposed doe check the expectation of all good. When vanitie is the point of our designs, what less than vanitie can we thinke it that is but the meanes and passage to that pointe? The end, you knowe, is the perfection of the worke; and if that be vanitie, what more may be conceived of what but leads towards it? Surely the same ignorance and blindness which this man had in sense, most men have in minde and understandinge. They labour in the affection of those objects which are not proper to their faculties. That they seeke which is not useful to them; or (if they bring it to that aptness) in the use corrupts them. But I extend this occasion of intelligence too farr. I have made my superstruction too wide on this small ground. You must pardon the libertie I take; which, by way of intercourse to you, gives me the bouldness to saie anything. Lett it



“excuse me that I have now done, and further cease to trouble you, resting your most faithfull friend, J. E.”\* To which a postscript told Hampden that he was not to think his papers were forgotten. They had been long in preparation, but by reason of the imperfectness of the copies they took much time and trouble. Yet ere long they would be ready.

The “papers” were on a subject very different from the lighter vein of humorous philosophy opened up in this striking letter. Such satire indeed Eliot seldom indulged. He had sore temptation to it occasionally from even some of his ex-fellow-prisoners; but while for the most part his allusions are grave in matters that fit with gravity, he has at worst but a passing piece of mirth for patriotism less tough and unyielding than his own. This was the summer when mortality became suddenly so excessive in London that all who had the power to quit the town eagerly did so; and Hobart, Strode, and Valentine, having obtained upon petition their transfer to the Gate-house, had found it not difficult to make their way further a-field, and had passed all the summer months in enjoyment of visits to various country friends. Eliot’s first allusion to it was in a letter to Luke. Of his old fellow-prisoner being with him in Bedfordshire, he wrote, he knew before Luke’s message; and was then in a doubtful expectation “of what more.” It was true that fellow-prisoner had for a good while, and it might be on good reason, forborne to see the Tower; but he hoped it was not in neglect of his poor friend there, who affectionately did wish him not to neglect himself.† The reference was to Valentine, who at his departure had taken from him a letter to Godfrey; and a month later he wrote in pleasant vein to his Lincolnshire friend of the rumours by this time prevalent, that wandering prisoners might not altogether escape punishment in the

\* Port Eliot MSS.: 20th July, 1630.

† *Ib.* 25th August, 1630.

approaching term. He warned Godfrey that "the  
"stray sheep," if he might not call him lost, which was  
then about to break into the Lincolnshire pastures,  
might be found to have had more scope than liberty,  
and not to be fattening for himself after all! His price  
was already treated; and after Michaelmas, his market;  
so that what was the real worth of the favour he then  
was enjoying, in those crops of the daisy and the lily,  
his own wisdom might judge, and whether he should  
glory in that walk. "I heare of many removes he  
"makes, and (but that adventures are not incident), I  
"should suppose it to be a storie of some errant knight,  
"some Quixote, or other such famous undertaker. But,  
"finding nothing besides travell to occur, a continuall  
"motion and circulation without end, that resemblance  
"gives me some anxietie and doubt whether a new form  
"be not given to the Wandering Jewe, and our acquaint-  
"ance past by transmigration into him! Yet, in what  
"name or shape or condition he be extant, commend  
"me to the gentleman; and, if you can, reduce by your  
"councill, if you find him capable of advice. I feare  
"he maie mislead his leader; and then, instead of one,  
"there will be more delinquents, and the greater punish-  
"ment of either. We here are without that danger,  
"as we are within the pale w<sup>ch</sup> they have broken, and  
"foe are the masters of more saftie, though our plea-  
"sures may seeme less. Yet in this we do not envie  
"them; and onlie crave the favor at their handes, that  
"they turne not that weapon upon us." He then desires  
his service to Godfrey's wife, and, as he should see them,  
to all their worthy friends in Lincolnshire: a country,  
he adds, of which he had now a greater admiration than  
before, since a man dared venture his neck to visit it; a  
very paradise, of which he could gladly, were it only  
possible, be himself a witness! \*

Hampden meanwhile had written on the same subject,

\* MSS. at Port Eliot, 21st of Septemb<sup>r</sup>. 1630.

and to him he made reply in graver tone. But he was not for any remonstrance to his wandering friends. They were failing by their own compass; and in tiding their course as they had done, "have noe esteemacon of our windes. Wee may, by breathinge in their waye, perhaps retard them when they are makinge neer unto us; or divert their inclinacons, if they shall thinke wee are descendinge unto them againe." To hasten them beyond their own reasons, in short, would be a difficulty of too great adventure for his friend. They were yet serious in entertainments, and had no leisure for their busines. When those were over, the issue of the play would be seen; and then, if Hampden and himself still judged it to be fit, they might begin *their game*.\*

The issue of the play was related after the opening of the term in a letter to Richard James, in which Eliot told him that John Selden had returned on Thursday last to the Gate-house, and for a welcome he and his fellow prisoners had been put to closer restraint, and their keeper, for the license he had given them, was fined a hundred pounds and committed to the Marshalsea. What the end would be they knew not. Perchance it was but a storm before a sunshine; and, that cloud being over, the heavens might be clear. But he made it neither a judgment nor conjecture, "havinge not consulted with our Pythonesse." He added what he doubtless truly felt as to Selden, if not as to the rest. "You know the virtue that it meetes w<sup>th</sup>, uppon w<sup>ch</sup> noe impressiion can be made." †

\* MSS. at Port Eliot, 4th of October, 1630.

† MSS. at Port Eliot, 7th of Novemb<sup>r</sup>. 1630. In the same letter he pleasantly described what term-time brought with it in London. "It is now Terme with us, and all our studie is entertainment. Our Logicke, our Rhetoricke, our Philosophie, is but the contemplation of acquaintance; distinction of frends; repetition of impertinencies;—how this man's wife and that man's daughter (for the weaker are most car'd for), and t'other's neighbour does: wherein the expectation is not, what shall be replied, but how it is accepted. . . . We heer" (in the Tower) "are in a deepe tranquillitie: not troubled, if not forgotten. The gate and

The impression that *was* made, notwithstanding, though not upon the virtue to which he there more especially referred, he had to announce to Hampden in the following March. In that month Hobart entered into recognizances for good behaviour; and in reply to enquiries from Hampden about it, Eliot told him he could say little but what arose from the action itself. He that had broken the herd drew as yet no other after him, nor from what he had been told was it likely he should find company.\* It was some new wisdom of his own, begotten of time or experience; but no reason they could see, more than what so long had been rejected, was emergent in the case. "Farewell, dear friend," added Eliot. "Let your goodness pardon me that I am not more worthie of your favours; and assure yourselfe that, what I am, I am yo<sup>m</sup> in all faithfullnes, J. E."†

In the preceding January he had sent the promised "transcripts" from the treatise his friend so much desired to see, and to these Hampden's next letter referred. He had that morning searched his study for a book to send Eliot of a like subject to the papers he had of him, but found it not. As soon as he recovered it, he would recommend it to his view.

"When you haue finished y<sup>e</sup> other part, I praye thinke mee as worthy of y<sup>e</sup> sight of it as y<sup>e</sup> former; and in both together I'll bewray my weaknesse to my friend by declaring my sense of them. That I did see, is an exquisite nosegay composed of curious flowers, bound together with as fine a thredd. But I must in the end expect hony fro. my friend: somewhat out of those flowers digested: made his owne, and givinge a true tast of his owne sweetnesse: though for that I shall awaite a fitter time and place. The Lord sanctify unto

"walls onely doe resist us: all the rest is ours. And I, as I have alwaies been profest, am still y<sup>r</sup> affectionat friend, J. E."

\* In a letter of the same date to Luke, who had sorely mistrusted the rest, he writes: "S<sup>r</sup> M. H. is gone; and yo<sup>e</sup> judge truly upon him, that, as he now has carried it, much libertye has been ill lost. But for the rest, I *believe* yo<sup>e</sup> are mistaken; upon whom his example has noe power, new reasons now engaging them *which may divert that purpose*." There is less confidence here than in his letter to Hampden.

† MSS. at Port Eliot, 22d March, 1630 (31).

“you y<sup>e</sup> sowrenesse of yo<sup>r</sup> present estate, and y<sup>e</sup> comforts of yo<sup>r</sup> posterity. Yo<sup>r</sup> ever y<sup>e</sup> same assured friend, JO. HAMPDEN.” \*

To this Eliot replied by telling his “Deer Frend” that he had put him into an earnest expectation of longing for the book he mentioned of resemblance to his own papers. As it was to come from his friend he could not but much covet it; anything giving him satisfaction with that name. And he must the more affect it, in hope to see some better light therein for the discovery of his own errors. They were many and great, he knew, and must confess it; for, without a miracle, how should it be otherwise? And then he explained that these papers, forming portions of his treatise on the Monarchy of Man, had been composed only as intermission or relief from graver work then preparing for Hampden’s view. For, besides his Essay on Government, he had also his ‘Negotium Posterorum’ now in hand.

“The work was done in hast, as a recreation, not a business, in the  
“midst of things more serious (wh<sup>ch</sup> one day may be honor’d by y<sup>e</sup>  
“veiw), whereof this took but the tymes of intermission, as an inter-  
“jection of the fancie for entertainment and delight. That it was  
“done by me, has sufficient to expresse it, from whom nothing but  
“errors are emergent. Yet as I have I shall still follow to expres  
“them to my frend (that by his correction upon them I may reforme  
“myselfe), who can judge what is to be a composition, what a simple,  
“and from the driest thyme extract and sucke a sweetnesse. The  
“other part I promised shall be ready at yo<sup>r</sup> comminge; for I know  
“noe other end they have than such an entertainment of my frend, as a  
“letter or complement to meet him. And other light they have not  
“(nor was it design’d them in their birth) than what is given them by  
“yo<sup>r</sup> eyes, to wh<sup>ch</sup> they shutt and open as the heliotropium to the  
“sunne.” †

\* MSS. at Port Eliot, 4th of April, 1631. This is the close of a letter about Eliot’s sons, formerly quoted. Mr. D’Israeli misprints “fitt” for “fitter” towards the close.

† MSS. at Port Eliot, 26th April, 1631. The letter closes with a notice by Eliot of the trial and sentence of Mervin Lord Audley (Earl of Castlehaven), who had been in the Tower since the middle of the previous December, for unutterable crimes. (*St. Tr.* iii. 401.) “We had yesterday  
“the triall of that lord, monster of men and nature, whome these walls have

Such to his friend was Hampden; of whose literary tastes, and perfect competence to sit in judgment on a piece of English writing, his own letters in this correspondence, manly and simple in their tone, of a style neat and concise, and clothing frank objection in delicate phrase, afford ample proof. A fortnight later, Hampden again writing then about the young Eliots, thanked his friend for the papers; told him he should see him the week following; and said his letters confirmed the observation he had made in the progress of affections, that it was easier much to win upon ingenuous natures than to merit it. "This, they tell me, I have done of yours, and I account it a noble purchas."\*

Upon that visit at the end of May, Hampden had brought away another batch of manuscript and at the close of June thus wrote concerning it.

"Sir,—You shall receive y<sup>e</sup> booke I promised, by this bearer's immediate hand; for y<sup>e</sup> other papers I presume to take a little, and but a little, respitt. I have looked upon y<sup>e</sup> rare piece onely with a superficial view †; as at first sight to take y<sup>e</sup> aspect and proportion

"held soe longe. I say 'we' had it in the generall capacity of mankind (wherein, however unworthie of my selfe, I am involv'd as part), all w<sup>ch</sup> it does concerne. And upon that triall there did follow conviction, and a judgment. Soe as nothing remaines, in the expectation of that cause, but the fatall execution, and division of the prey. I wish the true power be seen in the conversion of this sceane. Ther is much for observation, even to wonder, both in the person and the cause. The acts, the inclinations, the resorts, the discoverie, the prosecution, and the justice, have more than humane reason; for by that noe contraries could concurr, nor things of likeness differ, w<sup>ch</sup> are frequent in this peice even to admiration and astonishment. Particulars I knowe you will not looke for; such, besides, neither agreeing w<sup>th</sup> my custome or the tyme. I hope ere long to see you; and for better service rendering my prayers for y<sup>e</sup> health, rest most affectionately y<sup>e</sup> friend, J. E." In reply, Hampden merely says that concerning that lord, then reported to be deep in repentance as he was profound in sin, he would take leave from his strait of time to be silent till they met the next week.

\* MSS. at Port Eliot, 11th May, 1631. The more important passages were formerly quoted. Mr. D'Israeli misprints "ingenious natures."

† This is one of the letters published by Mr. D'Israeli, who prints "or" for "as;" falls into other errors, such as "fountains are" instead of "fountain was;" and towards the end substitutes "told" for "bidd." This last was to improve the style. But Hampden, being a perfectly natural writer, was not afraid of the repetition of "bidd" in the same sentence.

“ in y<sup>e</sup> whole ; after, with a more accurate eye, to take out y<sup>e</sup> lineaments of every part. ’Twere rashnesse in mee, therefore, to discover any judgment, before I have ground to make one. This I discern, that ’tis as compleate an image of y<sup>e</sup> patterne as can be drawne by lines ; a lively character of a large minde ; the subiect, method, and expressions, excellent and homogeneous, and, to say truth (sweete heart) somewhat exceeding my commendations. My words cannot render them to the life ; yet (to show my ingenuity rather than wit) would not a lesse modell have given a full representation of that subject ? not by diminution, but by contraction, of parts ? I desire to learn ; I dare not say. The variations upon each particular seem many ; all, I confesse, excellent. The fountaine was full ; y<sup>e</sup> channell narrow : y<sup>t</sup> may be y<sup>e</sup> cause. Or that the author imitated Virgill, who made more verses by many than he intended to wright, to extract a iust number. Had I seen all this, I could easily have bidd him make fewer ; but if hee had bidd mee tell which he should have spared, I had bine apposed. So say I of these expressions : and that to satisfy you, not my selfe ; but that, by obeying you in a commaund so contrary to my owne disposition, you may measure how large a power you have ouer Jo. HAMPDEN. Hampden, June 29th, 1631. Recommend my seruice to Mr. Long, and if Sr Ol. Luke be in towne, expresse my affection to him in these words. Y<sup>e</sup> first part of y<sup>r</sup> papers you had by y<sup>e</sup> hands of B. Valentine long since. If you heare of yo<sup>r</sup> sonnes, or can send to y<sup>m</sup>, lett mee know.”

To this Eliot replied in the middle of the following month. He had read superficially the treatise recommended to him by Hampden, and had received the first part of his own papers ; of which if his friend would now send him the rest, there was an acquaintance of theirs wishing to see them, from whom they should return at any time to Hampden’s service. Only slightly he criticises his critic, and with nothing of the author’s self-love ; for quite unaffectedly he tells him that he would have preferred to have his objections stated with even less reserve and praise. At the same time he throws out an answer to a former doubt of Hampden’s as to a too great reliance on authorities, drawn from the very book commended to him.

“ The censure w<sup>ch</sup> you give them is some part of the satisfacōn w<sup>ch</sup> I crav’d, but not all the office of my frende. Yo<sup>u</sup> render it but in “generalls, w<sup>ch</sup> conclude not : and w<sup>th</sup> such an allay of favour, if not

“ more, that this might hinder the operation of the physicke if the  
 “ natural affections of the body did not helpe it. To apply it to the  
 “ last part, I cannot without reueiw : haueing noe copy, nor a head  
 “ that cann containe it. To reduce it to the former, I may pervert  
 “ y<sup>r</sup> meaninge, having noe rule to warrant it. That, yo<sup>u</sup> knowe,  
 “ wholie treats of politticks ; whose proprietie it is, as I take it, to be  
 “ handled by authorities : and I remember not, amongst the latter  
 “ writers, where I have seene it otherwise. He that you sent me has it  
 “ foe (of whom we will speake hereafter), in wh<sup>ch</sup> kind, if ther be  
 “ more then necessary, that superfluity may be lefte ; wherof some I  
 “ have purged already, as it was obnoxious to my sense ; and for the  
 “ rest, desire the better indication of yo<sup>r</sup> reason, wherein you must  
 “ deale freely and particularly.” [Here follows a mention formerly  
 quoted of his son John’s letter and news from France.] “ The present  
 “ expectation of *this* place” [the Tower] “ is upon the committment  
 “ of the Scotsmen. Mackay and Ramsay are our fellow prisoners in the  
 “ Tower. Betweene them wholie the contestation does nowe rest :  
 “ upon a single affirmacon and deniall, w<sup>ch</sup> its said shall be decided by  
 “ a combate.\* Our martiall preparations are complete. The Marquis  
 “ is gone, or shipt. Fortune and he are enter’d in the list, whose suc-  
 “ cesse depends on hope. We that have no employ<sup>mt</sup> have noe trouble ;  
 “ but with that nothing enjoy the security of ourselves. Hazards there  
 “ are not, wher ther are noe adventures. And as the gaine is lesse in  
 “ the dull art of husbandry, the safety is much more than in that  
 “ windie marchandise wh<sup>ch</sup> insults upon the waves. Soe, with us that  
 “ only intend the dressinge of our gardens, our harts, and the feilds of  
 “ our affections and desires, though we have not that splendor and mag-  
 “ nificence w<sup>ch</sup> greatnesse does import, yet our tranquillitie may con-  
 “ tent us. Our more certaine way to happinesse would make us  
 “ certainly seeme more fortunate, if we knew it. Yo<sup>u</sup>, deer freinde, I  
 “ know are a master in this trade ; and I honour, and not envie, the  
 “ perfection yo<sup>u</sup> have gott. Scorne nott to admitt others to that society  
 “ in w<sup>ch</sup> noe man is refus’d ; but afford them some instruccōns for in-  
 “ stitucōn in that virtue. In charity to all, this is a dutie w<sup>ch</sup> yo<sup>u</sup>  
 “ owe. To me, in pittie, the obligation is more strickt ; whoe, having  
 “ more need than all men, am more affected w<sup>th</sup> yo<sup>r</sup> favours, as being  
 “ intirely more, if w<sup>th</sup>out prejudice I may say soe, y<sup>r</sup> freinde and  
 “ servant, J. E.” †

\* This silly affair, which had very nearly led to that revival of a wager by battle which was actually claimed, and found to be still a part of the old law, nearly two centuries later, will be found described in *Rushworth* (ii. 112). The Marquis to whom Eliot refers as having gone, was Hamilton, who had raised six thousand men in Scotland, and gone to join Gustavus, whom the English government only dared to assist indirectly ; and out of that levy had sprung certain charges alleged to have been made by Ramsay, and offered to be proved against him, failing witnesses, by single combat.

† MSS. at Port Eliot : 19th July, 1631.



In the closing sentences of that letter, suggested by the enterprize (under the lead of Lord Hamilton) to carry help to Gustavus Adolphus, a something seems to reveal itself which is not without touching significance. The philosopher, we may fear, had not schooled himself yet to a quite perfect acquiescence in his own philosophy. Would he not too gladly have exchanged, after all, that dull art of husbandry with its much safety and its little gain, for the higher chances though surer danger of the windy merchandise that insults upon the waves? He was fitting his monarchy of man to the throne of a prison, and the task he found to be a hard one. But what if meanwhile it had been, or still were possible, to strike another stroke for religion and for freedom, if not in the English parliament house yet on a German battlefield! Nevertheless again to his friend he turned in these half restless hours, as to a "master in the trade" of teaching and tranquilising a too impatient prisoner; as to one who embodied in himself the lesson hardest to acquire: a man fit to direct councils and govern states, yet quietly content with no higher employment than that of farming his lands in Buckinghamshire.

Hampden replied by a pleasant little note, which was not accompanied by the severer criticism his friend had asked for, but by the sensible and agreeable substitute of a buck out of his paddock of Great Hampden. "DEARE  
 "SIR, I receaved a letter from you the last weeke, for  
 "w<sup>ch</sup> I owe you ten, to countervaille those lines by  
 "excese in number that I cannot equall in weight.  
 "But time is not mine now, nor hath bine since that  
 "came to my hands: in your favour therefore hold  
 "mee excused. This bearer is appointed to present  
 "you w<sup>th</sup> a Buck out of my paddock, w<sup>ch</sup> must be a  
 "small one to hold proportion with y<sup>e</sup> place and soyle  
 "'twas bred in. Shortly I hope (if I do well to hope)  
 "to see you; yet durst I not prolong y<sup>e</sup> expectation  
 "of y<sup>or</sup> papers. You have concerning them layde

"comaundes upon mee beyond my ability to give you  
"satisfaction in; but if my apology will not serve when  
"wee meete, I will not decline y<sup>e</sup> service, though to  
"y<sup>e</sup> bewraying of my owne ignorance, which yet I hope  
"yo<sup>r</sup> love will couer. Yo<sup>r</sup> ever assured friend and  
"servant, JO. HAMPDEN."\*

Such was the intercourse of Eliot with Hampden, of which I have reserved only, for a later page, its solemn closing confidences; and though with Luke and Knightley the correspondence is of a strain less lofty and less various in its themes, the affection and intimacy were equal, the confidences as frank and unhesitating, and the reliance not less in all wherein he needed help in his time of trial. "Our friend in Bedfordshire," he had written in one of his letters to Hampden, "I heard from yesterday, and by him knowe of yo<sup>r</sup> being ther; in whose love my satisfaction is soe great, that but by yo<sup>r</sup> example it could not be reparalleled: the confidence I have in him being like my assurance in yo<sup>r</sup>selfe, cleer and undoubted." He says that if the friendship of both of them for him that could not merit it, and their constant charities in tendering his orphan children, should ever find a record, it was "so contrary to the tyme as it will seeme a solacisme;" and he pictures them to himself as contending with each other which shall most satisfy the excellence of their own natures by heaping kindness on him! "I am not fitt to reconcile, that am the unhappie subject of this strife, nor doe I thinke it can proceed to victory. Yett conquest will be certainly to both. This I can warrant you besides that better purchas, gaininge *me*, though of noe value yett y<sup>r</sup> most faithfull and affectionat friend."†

Nor had Richard Knightley, of whose loving and

\* From the MSS. at Port Eliot: 27th July, 1631. The letter is among those given by Mr. D'Israeli, who prints "*encrease*" for "excese" in the third line, and omits altogether a postscript about John Eliot and captain Waller, not repeated here because formerly quoted, *ante*, 592.

† MSS. at Port Eliot: 20th of August, 1630.

active care so many proofs have been afforded, an inferior place to either Luke or Hampden in this affectionate and noble rivalry. The three families were connected, Luke having wedded a Knightley, and a younger branch of that stock intermarrying afterwards with one of Hampden's daughters. In a letter formerly quoted\* I have shown with what eager anxiety, on learning from Thomas Knightley that his friend had foregone his usual habits of exercise, Eliot pressed upon him the evil of inaction, and the danger of spending so much time in the house and so little out of doors. "For others, hunt; for others, hawk; for others, take the benefit of the fields. Do it for me, that cannot do it of myselfe, and that by privation know the benefits of exercise, which God appoints for the recreation of man." Yet was he fain to confess a few months later, when Knightley had proposed to visit him but was unexpectedly taken elsewhere, that though his own loss was so great, yet, having the happiness of a good assurance of his health, he could not regret his absence. "There is soe little to invite yo<sup>u</sup> to this towne, and this place I am in has lesse, that to wish you here is but to wishe yo<sup>u</sup> to a punishment, and from a calme to drawe you neere a tempest."† At the same time he is careful to tell him that what means of exercise the Tower affords, and his keepers allow, he never fails to seize; and when opportunity offers for a game at "bowles," he tells Knightley of it.‡

All Knightley's own letters unhappily have perished, but their character may be surmised from what we have seen of his friend's replies; and on one occasion, acknowledging some present received from him, and remarking that this and his letters were at difference which should import most for the giver's charity and

\* See *ante*, i. 13-14. The letter is dated the 10th of June, 1630.

† MSS. at Port Eliot: 22d Novemb<sup>r</sup>. 1630.

‡ MSS. at Port Eliot: letter of 11th August, 1631.

the receiver's happiness, he tells him that no gift could ever be so welcome as his letters. They were the express character of his love, and the friend to whom he sent them had no avarice but in that. "'Tis a great happiness," he continued, "when I thinke how much you love him that deserves soe little: 'tis a far greater as 'tis mov'd by the Great Mover, of whom I deserve farr lesse: naie, of whom only the contrarie is deserv'd. That that great love should be for hate; that that great love in Heaven should move like love on earth; that love should kindle love, as fear engenders fear, for the use and comfort of the unworthy: as it imports happiness, it imports wonder, and cannot have sufficient of admiration or acknowledgment. I shall add it to the accompt of my large debt, for w<sup>ch</sup> I can pretend but a gratefull acceptation, havinge noe meritt or requitall to returne but the thanks of y<sup>r</sup> faithfull friend and brother, J. E."\*

The same spirit, with somewhat wider range in the subjects as to which they interchange thought, is in the correspondence with Luke; and at times there is a touch that one might think specially designed for the comfort of his daughter, so long an inmate at Woodend. Thus, in one of his letters, he speaks of such a quiet and security in the prison that their greatest news was how they eat or slept; and this, he thanked God, was "in a contynuall meriment and feast,"† because of the Bedfordshire cheer that reached them. Then we find him, shortly after, beginning a letter by saying that news he had none to give of which he dared presume to be relater; many things being carried in the air whereof there was less truth than expectation—and there suddenly stopping, for the pleasantest of reasons. "Our friend Hampden being here," Luke would shortly get all needful news from him; and would he not freely pardon

\* MSS. at Port Eliot: 27th June, 1631.

† MSS. at Port Eliot: 23d July, 1630.

him for that foe "gladd" an interruption suddenly c his letter !\* A month later, despondency had again on him; the secrecy and dullness of the times g them only expectation of evil impending: "the " being preparing w<sup>th</sup> calamitie and misfortune; " when 'tis full, we shall have it poured uppon us." time at which he was then writing was when the fid from which the other prisoners had made escape w much on the increase, with all the fears it engend that it was believed the term would see no business c " A great deadnesse it makes in London. They f " for you may guesse I am noe witness—in the " and extremitie of the last sickness, it was not n " not lesse resort of people, nor lesse tradinge. " my trade, I thank God, keeps up; w<sup>th</sup> is prayer " meditation, wherein I doe daily sacrifice for " frends."†

A couple of months later, in a striking way, he told I of the accession unexpectedly made to the inmates o Tower in the horrible period of the Lord Castlehav He began by saying he presumed in those times that I so far from expecting good news, had a continual fe the contrary; but an example had suddenly pref itself among them, if not too ill for the exciting, certainly beyond the comparison of former ages. I the match of that in Tacitus, which he called *in iuri ac servitii atrox exemplum*; *res pect. auct. det. p.* a son charging his father with crimes, that, if commi

\* Port Eliot MSS. 10th Sept. 1532.

† J. 1532 of October.

† All crime is, in a greater or less degree, immutability of mind; a only safe guide to enforcement of the proper responsibility for its mission, in criminal jurisprudence, is to determine whether the actual sufficient reason to discriminate morally right from wrong, is the actual decision, and so be sensible of the legal consequences followi moral acts. But of the horrible offender here arrested in, there can hesitation in pronouncing him to have been actually mad. His sister, Eleanor Davies, treated as cruelly by him, was never the maddest that is giving a great deal of all the expostulations of the prophet I either before or since.

left it not easy to resolve whether God's or nature's laws were most offended against. The son already had made himself obnoxious to that guilt, seeking by accusation the death of him from whom he had his life; and the father stood suspected in fact of what he was charged with, which if the trial should discover, it was only pity he should have lived so long to beget another monster. The crimes he feared to name, being variety of incest and worse; the delinquent, the Earl of Castlehaven, who about three days since had been brought to the Tower, where he was to remain while the examinations were perfected. "These," continued Eliot, as with melancholy foreboding of a great catastrophe to come, "are the children of these daies, w<sup>ch</sup> shewe the corruptions of the mother; and if mercie, to a miracle, prevent not, some strange fatalitie must followe it. But "I hope there is yet a blessing left for Benjamine upon "the humiliation of his soule. The intercessor will not "faile him, if hee faile not in his confidence. To whose "wisdom we must leave the purginge of his floore "whoe in his own time will doe it. When it is left for "us, our care must be but o<sup>r</sup> dependance upon him. And "foe, with my service to y<sup>r</sup>felfe and yo<sup>r</sup> good ladie, I "rest your most faithful friend J. E." \*

On the last day of that year, when the hand of power had been striking at him through his sons, he wrote to thank Luke for his Christmas gifts in the same gloomy tone. The sport and leisure of the time devoured all business and intelligence, he said; as if the year and world should end together, and no intention were beyond it. No news was moving. Fear had driven out hope, in those that used reflection; and for the rest, who pondered not their course, their dangers were the greater being not discerned beforehand. But all had a community in the hazard.†—Between that date and the two fol-

\* MSS. at Port Eliot: 14th Decemb<sup>r</sup>. 1630.† MSS. at Port Eliot: "ult. Decemb<sup>r</sup>. 1630."

lowing months he had himself been struck by the sickness; and at the close of the letter in which he told his friend he was still "in physicke," but so far, as he hoped God would bless it, towards the recovery of his health, we have a glimpse of one of the waifs and strays of his wrecked household. "I have told my cooke of the "provision yo<sup>u</sup> have made, and the more willingly that "yo<sup>r</sup> charge may keep that place. Lett not the thought "of wages trouble you. I shall in that pointe not "differ with my friend." \*

The next month he wrote to him of the indictments that had been found at Salisbury, against Castlehaven: "his sonn that while being there, entertained about his "sports!" † Of their friend Watt Long being a much sorrowing man for the loss of his wife, and suffering greatly by the addition of that to his other troubles, he informed him also in the same letter: but that in all things else they were as when Luke last left them; under the same protection; in the same peace and confidence; "by "the same spiritt, and mercie." Another letter, dated three months later, and the last that will fall under notice here, had relation to two commissions from his friend. Some horses were to be sent to the Tower for selection of one by Eliot; who had also promised to do his best to procure from the mint, at that time established in the Tower, a supply of copper coin which Luke sorely needed. And now he wrote that "the nagge" stayed not for him but for itself; that he could not yet be suited; that he had seen one, but dared not accept or recommend it; but that he was daily in pursuit to satisfy his care, which should not be long unanswered. Then as to the mint. It had not stirred since Luke last visited the Tower. But, Eliot pleasantly closes, "the

\* MSS. at Port Eliot: 22d March, 1630 (1).

† MSS. at Port Eliot: 19th April, 1631. The offences had been committed in Wiltshire. "His triall is appointed to be on Munday next. The "expectation is great upon it; soe may be the consequence: as the guilt "in lawe, and conscience, may be different."

"first opportunity that shall be offered I will bespeake  
"yo<sup>r</sup> Pence, as I shall alwayes doe yo<sup>r</sup> Paternoster for yo<sup>r</sup>  
"frend J. E."\*

That commission about the nag might rather have been looked for in the Bevil Grenville letters, where, with unbounded regard and confidence, the intercourse has more uniformly the character derived from old neighbourly habits in the west; consisting mainly of advices asked and given about lands and suits, cautious counsel as to dealings with property, and such interchanges of kindness as country gentlemen might most affect. One of Grenville's especial griefs was a mortality in his horses, made more bitter to him by the loss of a fair mare that Eliot had given him; but in which there was yet the consolation to offer that she had left behind her "a brace of lovely stone colts," which he hoped would live to do her old master service.

Rarely without something of service, affectionately recognised on either hand, are Eliot's letters and the replies; and Grenville's eagerness to hear from his friend draws forth from him more than once the sad confession of the difficulties that beset him with all distant correspondence. He had waited the whole term, he says on one occasion, in the hope that their countryman Arundel would come up, and upon that deferred his writing; but he had at last found a safe conduct, and could not but tell him how much he joyed in Grenville's absence from that town, though grieving at the want of his presence to himself. There was nothing there to please him; nothing worthy of his view, the court being not within the compass of his sphere; imprisonment was a favour, secluding the corruption of

\* MSS. at Port Eliot: 21st July, 1631. In the same letter he tells them of the Mackey and Ramfey affair, and of the Marquis of Hamilton's expedition. Most men were confident, he said, of the controversy being settled "by combat," but some doubted; and this was thought to be the greatest danger in the case. "Our souldiers are shipt and gone; and with us now 'ther is nothing but rest and silence." The subject of Luke's pence from the Mint will reappear in a subsequent letter.



the time, which was become so epidemical and common as to leave almost no man uninfected, nor any safe retreat for liberty or virtue but the country. And then, subscribing himself his "servant and brother," he commends him to the happiness of Devonshire, which he envies the more for that it holds his friend.\*

Before he wrote again, Grenville was at Stowe; and then he desired that his services might be presented to the lady Grace, and she should be told that though the perverseness of his fortune would not suffer him to kiss her hand at Stowe, yet he hoped her sweetness did deserve so kind a husband as would sometimes show her London, and he might in that case crave the happiness to see her. To his friend he said that the consent between his condition and the time was a full excuse for his seldom writing; "ther being not (as I dare not be a relater if ther were) any thinge that's newes; such matter being to me, as "fire was to the satyr, more dangerous than pleasant." He had only the old affection still to serve him, which he hoped needed not those expressions, having been given in such characters as could not be obliterated. What he adds has relation to a portion of Grenville's estate in the west, including a small island on the coast which its owner had suffered to fall into desolate condition, but which he found he had a great liking for when Sir Henry Bouchier and other neighbours began to covet it.

"Sr Henry Bowrcheir has much importuned me to knowe whether "y<sup>e</sup> would be pleas'd to depart againe with Lundey either in fee or lease. He seemes to have a great desire of it; and if you intend that waie, I beleive he will be drawne to a faire price. What answer you direct me, I shall give him; and if ther may arise from hence any advantage unto you, I shall be readie to improve it with the best endeavours of y<sup>r</sup> friende and brother, J. E." †

Eliot's next letter, written after some little interval, was to beg a visit from his friend, who would not think it rudeness in a prisoner to press upon his liberty. If

\* MSS. at Port Eliot: June, 1630 (day not named).

† MSS. at Port Eliot: 17th August, 1630.

Grenville considered how long it was since that happiness had been his, and that in all the time no paper intelligence had reached him, he might pardon it without wonder that he then presumed thus: which was but a formal way of begging, a petitioning for the favour his friend was wont to grant, and which by custom, though not right, he might challenge at his hands.\* It is the only complaint of this kind made by Eliot, and seems to have been afterwards explained by the interception of Grenville's letters. When Eliot writes again he has to thank his friend for having satisfied every desire he had by the letters sent to him: "doubled in the second letters that yo<sup>n</sup> sent mee, comminge to my handes as "I was readinge of the former."

Those later ones opened up a rather anxious question as to the island part of Grenville's property coveted by Sir Henry Bouchier. So far indisposed was he to let it go, that it had been for some time in his thoughts to make many improvements therein, including such fortification as might prove an efficient defence against the swarms of pirates and plunderers infesting the coast. The wise caution with which Eliot received that suggestion is strikingly expressed in the present letter. He thought the proposition hazardous because sure to provoke resistance from the king's friends in the county, and not unlikely to raise a sharp outcry of interference with prerogative.

Grenville's affection to the island he called desolate, Eliot wrote, he could not but commend, so far was he from the prejudice thereof; and he confessed the overture he had himself made at the request of Bouchier and others, had in his intention but that end, by their estimation to endear it to its owner. But Grenville's own design upon it he knew not how to judge, there being many considerations in that work which first would have to be resolved. His prudence and wisdom, he

\* MSS. at Port Eliot: 28th February, 1630 (1).

presumed, in a thing of that importance, would suffer him not hastily to do anything; and would weigh as well the counsels that were given him as they must weigh the action. No man comprehended all knowledge in himself. All men were subject to error by their confidence. Nor was the judgment greater that made a perfect act, than that which could discern of counsels; success being not more doubtful to actions than counsels to men. Grenville knew that his manner was not to object much where he could not give his reasons; and these being for that time necessarily reserved, he would restrict himself to a caution.

"As Strabo lookt in Herodotus for the sunn riseinge in the west,  
 "lett yo<sup>r</sup> eye, in this intention, seeke for the conclusion in the east.  
 "Reflect upon the constellations of this place, and observe the aspect  
 "they carrie; w<sup>ch</sup> have a large power and influence; and if you finde  
 "them ominous, or averse, lett not your cost purchase yo<sup>r</sup> repentance.  
 "Pardon this freedome in yo<sup>r</sup> frende, that would say more, if he were  
 "present w<sup>th</sup> you: not to disaffect, but to prepare yo<sup>u</sup> for the worke:  
 "that the foundation be not sands, but worthie the superstructure of  
 "yo<sup>r</sup> virtues; wh<sup>ch</sup> have noe servante more honoring and admiringe  
 "than J. E." \*

In reply, Grenville pressed his friend for his reasons. The island had been fortified, it seemed, in former time; and therefore why not now? All the papers, at Eliot's request, were thereupon forwarded to him; and the result was a letter to Grenville, four months later, which exhausted the good sense as well as the learning of the matter. A point of ancient rights or constitutional usage could not have been stated or settled with greater force and clearness. In other respects, also, and especially for its reference to existing propensities to take long ears for horns, it is extremely curious and interesting. Grenville accepted it as decisive.

"Haveinge receavd your papers and letter, sent me by Mr. Escott  
 "inclos'd in another of his out of Oxfordshire, I have, with that  
 "little judgment that is myne, perus'd them to the utmost; and

\* MSS. at Port Eliot: "Tower, 5th May, 1631."

" followed them with such considerations as a businesse of that nature  
 " doth require. First, I have weighed yo<sup>r</sup> reasons and desires. Then,  
 " I have studied, what in this tyme I might, to knowe the former use  
 " therein; whence you may see what latitude is before you, and then  
 " be directed by yo<sup>r</sup> selfe. To build, then, is a free liberty in all men;  
 " but not to fortifie, without leave. The proportion is not stinted  
 " either by reason or example; but they may enlarge themselves at  
 " pleasure, upon their owne interests and proprieties. Keyes [quays]  
 " are usuall and unquestioned, made for honor or advantage. Either a  
 " publick good or a private benefit therein has sufficient warrant for  
 " such workes; and if the word offends, though their capacitie be  
 " large, they may have the name of harbors. But no color of forti-  
 " fication is allowable. The Duke of Gloucester, buildinge at Green-  
 " wich in the tyme of H. 6, was faine to have license *muros illos*  
 " *battellare*; w<sup>ch</sup> could not be authenticke but by patent or by parlia-  
 " ment; and therefore his grant was turn'd into an act. Such is the  
 " right in all tymes; *the caution more in some, whose jealousies interpret*  
 " *that all longe eares are bornes*. The importance of the Iland was  
 " thought much in elder tymes, and ther was a constable and other  
 " officers to guard it. It seemes to have beene much peopled and  
 " inhabited, and a care had of them, as for the preservation of the  
 " place. In the daies of H. 3, I finde by the records of the  
 " tyme much trouble was upon it. One Marisur, a baron of the  
 " tyme, made an attempt and tooke it; upon w<sup>ch</sup> afterwards two  
 " severall writs were granted, the one for the strengthening of the fort,  
 " the other for the enforcinge of the guards. Those were 26<sup>th</sup> and  
 " 27<sup>th</sup> of that raigne; of w<sup>ch</sup>, for yo<sup>r</sup> better satisfacion, I send you  
 " heer the copies. By this yo<sup>u</sup> may see ther was a great considera-  
 " on of the place; and, while it was fortified, by whom it was com-  
 " manded. This likewise at Arwanicke is made plaine, w<sup>ch</sup> if the land-  
 " right carried it, should be in Killigrewes command. But wher  
 " princes fortifie, their owne men doe manage it; and feldome or  
 " never was it permitted unto subjects. *Yet it is lawfull to defend that*  
 " *w<sup>ch</sup> is our owne. Though he doe not fortifie, he may keep it. With*  
 " *what strengtb I may guard me in my house, I may secure me in an*  
 " *Iland. All resistance to an enemy is safe, wber ther is a cleer open-*  
 " *nesse to the State*. Leavinge those wordes, then, of fortification and  
 " inharboringe, I see not but y<sup>u</sup> may perfect the worke y<sup>u</sup> have begunn,  
 " for the generall good and benefitt. To make a suite in that is but  
 " losse [and] a trouble. A license w<sup>th</sup>out patent is but voluntary;  
 " and stands but at the pleasure of the grantor. It imports noe warrant  
 " for the future; and the reason of common benefit has as much: w<sup>ch</sup>,  
 " for ought I see, is without exception in y<sup>r</sup> purpose; and therein I  
 " should rest. Which is, to make what I might safely keep, w<sup>th</sup>out the  
 " help of a standinge fortification. *Yet remember that the eares were once*  
 " *made bornes, and therefore lett not your disbursements be too much;*  
 " but with the publicke good, preserve y<sup>r</sup> owne interests and faculties.

" You see what power yo<sup>n</sup> have to draw this weaknes from mee. Let  
 " it make you confident in the rest, that if further you conceive  
 " anything necessary or expedient wherein I may assist yo<sup>n</sup>, you have a  
 " full power and interest to command, J. E." \*

As the answer sent by Grenville to this letter had reference not only to its subject, but also to a request for a piece of service to himself made previously by Eliot, that previous request, which has a personal interest, will properly here be interposed. With the old Cornish associate of Bagg, Sir Richard Edgcombe, an old personal antagonist and enemy in his county,† Eliot had a lawsuit pending; and he had asked such assistance from Grenville as might with fairness be rendered, to counter-vail what was sure to be thrown very heavily into the balance against himself. The remark "*if I may yet claim property*," has a world of sad significance in it. The action had of course been brought in the names of his trustees. It is satisfactory to know that the present application was not made in vain, the trial having ended in his favour.

Sr,—I have a suite in lawe w<sup>th</sup> Sir Richard Edgcombe of some value,  
 " w<sup>ch</sup> comes to triall at Lanceston this assises, wherein it is in yo<sup>r</sup>  
 " opportunitie to doe me favor, w<sup>ch</sup> for your owne worth and goodnes,  
 " though seconded by noe desert in mee, I shall now presume to crave.  
 " Yo<sup>n</sup> knowe the disadvantages I have, if it depend upon the judges; and  
 " what incertainties, if not more, are implied in common juries. The  
 " presence and practise of my adversarie, w<sup>th</sup> his sollicitors, adherents,  
 " and the reputation of their justiceshipps, compar'd with my Nothing,  
 " and that absent! it is not without reason that I seeke the assistance of  
 " yo<sup>r</sup> arme, to add some weight unto that number w<sup>ch</sup> must make the  
 " decision of ou<sup>r</sup> cause. There are, neer you, some of discretion and  
 " sufficiencie return'd upon the Jurie, whose integrities may counterpoise  
 " those dangers. My desire is but that you will (though they attend  
 " not usually in such services) ingage them to appear; and what shall  
 " be the resolution of their judgments, upon the hearing of the cause,  
 " shall be a satisfaction unto mee, *who covett nothing, though in the*  
 " *wante of all things, but what shal be dulie thought myne owne (if I*  
 " *may yet claime proprietie)*; and that, but by yo<sup>r</sup> consent and further-

\* MSS. at Port Eliot: "Tower, 17th Septemb<sup>r</sup>. 1631."

† See *ante*, 108, &c.

"ance, and to yo<sup>r</sup> service : being in all things devoted your most  
"faithfull frend and brother, J.<sup>r</sup>E." \*

Writing from Stowe, early in November, Bevil Grenville answered both these letters. He was infinitely bound to Eliot, he said, for many noble favours, and not least for that in which he had dealt so ingenuously with him concerning his late undertaking at Lundey. That opinion of Eliot's, he confessed, had opened his eyes and given settlement to his resolutions; and he hoped he should walk with such caution in the affair that his friend would not have cause to repent his advice. Wherein he would say no more till they might have the happiness to meet. He thought he never had rendered any account of the service Eliot commanded him at Launceston since he received that letter, but he presumed his friend's servant had given him notice of what passed, and of his own readiness to serve him, which he should ever retain. "My neighbours I sent  
"all forth, w<sup>ch</sup> did not deceive y<sup>r</sup> trust, nor faile my  
"expectation. And if I had been (or may be here-  
"after) of counsell with y<sup>r</sup> agents in the first nomina-  
"tion of y<sup>e</sup> jurors, I should have found enough in  
"mine own quarter to have made up y<sup>r</sup> number, of such  
"as for their honesties would not have been terrified or  
"beaten from a good cause." And now he would conclude with the lamenting of his unfortunateness in many things, and lately (to omit others) in the mortality of his horses; which had divers of them run mad and beaten themselves to death, no prevention being able to remedy it. Amongst which Eliot's fair mare made one, whose loss more grieved him than all the rest; but she had left behind her a brace of lovely stone colts, which he hoped would live to do her old master service. And thus for want of better business he made bold to trouble his friend with such indifferent relations. His poverty could but wish it might do him service, and that it *did*

\* MSS. at Port Eliot: "Tower x<sup>mo</sup> July, 1631.

with unfeignedly. But, instead of power, he might be ever sure of the prayers, of his "faithful friend Beville Grenville."\*

Such was Eliot's prison intercourse with those four staunch friends, to whom his yet remaining letters will continue for us, almost to the very end, a story replete with interest which must otherwise have remained untold. But the end is not yet. Other hearts also very faithful to him there were among his neighbours of the west, as well as among old admirers and associates of both houses of parliament; and of these my readers will be glad to have such characteristic glimpses as I am able and now propose to afford.

#### IV. HOME NEWS AND OTHER LETTERS.

Trusting to explanations previously given, and with only such further connecting notices as may be necessary to account for matters not already made intelligible, I shall confine the present section to extracts from Eliot's general correspondence during his last imprisonment, in themselves possessing value as illustrations either of his character or his life.

Already has been shown the kindly intercourse maintained between himself and his Cornish neighbour, Mr. Moyle, his quarrel with whom in early youth had been misrepresented so extravagantly; † but more interesting proof of that friendly understanding has presented itself since those letters were printed, in the letters of Mr. Moyle himself which drew them forth. The first is written "from Bake, in St. Germans," little more than a month after Eliot's sentence; its subject being the death of the minister of that parish, and the great anxiety of all the parishioners that Sir John Eliot should be applied to for help to get them an honest man in his place.

\* MSS. at Port Eliot: "Stow—9<sup>bis</sup>—4°—1631."

† See *ante*, i. 7.

Eliot's friend Glanville, it seems, "farmed" the presentation as proctor for the dean and chapter of Windsor; and Moyle now wrote, by request and on behalf of the whole of his neighbourhood, to his "Most Respected" and Beloved Sir, to entreat that—

"If you can doe any thing with Mr. Glanville you would be pleased in our behalves to desire hym that he would not crosse our request unto y<sup>e</sup> house of Winsor for y<sup>e</sup> free election of our s<sup>d</sup> minister; which, in respect that that parte of his meanes which must make itt competente must issue from y<sup>e</sup> benevolence of the p<sup>r</sup>ish, is not, as I conceave, unreasonable. This favour if the house and Mr. Glanville shall be pleased to afford us—we hope that you will direct us to make choise of an honest man; which good hope if we have, we despaire not but y<sup>t</sup> yourselfe shall be a sharer w<sup>th</sup> us in the happinesse. Thus with the remembrance of my best love and service unto you, and with my prayers unto the Almighty for you, that He would be pleased to send you a prosperous issue according to your own wishes of your troubles, y<sup>t</sup> so att length myselfe, together with y<sup>e</sup> rest of your good neighbours, may againe be made happie in y<sup>e</sup> fruition of y<sup>e</sup> presence and company of so worthy and loving a friend,—I rest your ever loving friend, Jo. MOYLE." \*

Eliot's intercession was not successful; though immediately upon hearing of the old minister's death, and without waiting for Moyle's letter, his interest in those old friends and neighbours at St. Germans had prompted him to apply to Glanville. The truth was that a stronger interest had made earlier application, and to this he refers with a quiet sarcastic touch. "The effect is little to answear the meritt of the suite, though as much, in respect of favor, as I look't for. Ther is not a deniall, but that w<sup>ch</sup> reallie may prove soe. He seemes to referr it wholie to the house, yet, if they elect his kinsman, I presume his expectation is not lost." What follows has been already quoted.

Moyle's second suit, being in Eliot's power to grant, was acceded to heartily. It involved an act of grace to

\* MSS. at Port Eliot: 5th of April, 1630. "Right Worth<sup>11</sup> my much honour<sup>d</sup> friend and neighbour S<sup>r</sup> John Elyott, K<sup>t</sup>. Give these in London."



one of his defaulting tenants, and also permission to his friend to change two lives in a lease. In preferring his request Moyle had glanced at the old intimacy of their families, and for this reason a portion of his letter has interest for us.

"In regard Alice Trussill by y<sup>e</sup> wordes of y<sup>r</sup> agreem<sup>t</sup> was to stand for one of y<sup>e</sup> lives, y<sup>e</sup> steward would not venture to admitt of any other untill he knew your mynde. The two lives, may itt please you, that I intend to nominate are John Moyle my sonn, and Bridgett Moyle (*your mother's goddaughter*); y<sup>e</sup> difference betwixt y<sup>e</sup> life that I would intreate you to change, and my daughter Bridgett, is but small. My daughter is about 12 or 13 years old; Alice Trussill is about 18 or 19, att y<sup>e</sup> most. For y<sup>e</sup> change if you please to take anything, I will give you any fitting content. And even thus, craving pardon of you for my ordinary bouldnesse in trobling you soe much with this trifle, wishing you health, and a speedy enlargem<sup>t</sup>, and much future serenity of fortune to you and all your's, not forgetting myne and my wife's best love and service unto you,—I rest your ever loving friend and neighbour, Jo. MOYLE."\*

Other extracts from the originals in the Port Eliot archives are such as will generally explain themselves; but here and there, as may seem to be necessary, an additional note or elucidation will be given.

#### ELIOT INTRODUCES A FRIEND TO LORD ESSEX.

"What I have denied to the satisfac'on of myne own desires, I have now presumed to grant at the entreatie of this bearer. His affections drawing him to yo<sup>u</sup>, and seekinge me as a way, for his addressees, I could not but give him some representation to your Lo<sup>p</sup>, having opportunite by that with safetie to make an intima'on of my service. He has an antient relation to yo<sup>r</sup> familie, and is a great admirer of yo<sup>r</sup> meritts. What honor, devotion may expresse, yo<sup>u</sup> do still receive from him: and if yo<sup>r</sup> happines be answearable to his prayers, you have no wish unsatisfied. This recommendation I cannot but give him to y<sup>r</sup> L<sup>p</sup>, having thereby occasion thus to kisse yo<sup>r</sup> handes, w<sup>ch</sup> most affectionately I doe.—*Tower, xmo June, 1630. For Mr. Hubbucke.*"

\* MSS. at Port Eliot: "from Bake in St. Germans, this 11th of November, 1630." The letter begins "Right Worthy and Beloved S<sup>r</sup>," and is addressed "To the Right Worth<sup>l</sup> my very loving friend S<sup>r</sup> John Elyott, knight, at his lodging in the Tower in London—Give thefe."

## DELICACY IN AN ACT OF SERVICE.

"I presume to send y<sup>u</sup> heerein what I did formerly acquaintt yo<sup>u</sup> with as designed for an occasion of y<sup>r</sup> trouble. Yo<sup>u</sup> must pardon me this bouldnes w<sup>ch</sup> by noe meritt I can warrant. The assurance of y<sup>r</sup> worth, beydes the many other virtues it inheritts, has foe much of charitie as it gives me a proteccon in this case, from all doubt and jelousie. Lett it lie by y<sup>u</sup> till the tyme of use shall come."—*Eliot to Mr. Arundel. "From my lodging in the Tower," 15th Jan. 1630 (31).*

## ADVICE ON THE EMIGRATION COMPANY'S AFFAIRS.\*

"To y<sup>r</sup> questions I have heer return'd such answeares as my weak judgment could suggest. Discreation is the best rule for the mannage<sup>t</sup> of those affaires. Convenience does admitt divers things w<sup>ch</sup> can pretend noe right; and more is often done by composicon than extremite, and that better and more safely w<sup>th</sup> the marchant than a piratt; though the latter must be the inducement to the former, goods by that meanes being coming to y<sup>r</sup> hands, w<sup>ch</sup> if there be pretende<sup>n</sup> y<sup>u</sup> may afterwards restore upon respect unto the owners, to whom the lawe will give it; or otherwise retheyne it on y<sup>r</sup> patent when noe claime does interrupt it. ffor the Companie ther is nothing yet done: Robt. Craven being sicke, and not able to travell in it: but I shall imploy another in that work."—*Eliot to "Mr. Smithe," 28th Februr, 1630 (31.)*

There are several letters, full of character, relating to the disorders that had arisen in Eliot's absence among his tenants at St. Germans, and otherwise connected with the administration of his estates. Among their peculiarities will be noted, a keen and eager intelligence alive to every emergency; clear and masterly habits of business; just and kindly consideration for those who serve him, with very sharp perception of every failure in the full measure of service; and a memory for all his affairs, as well as for the details of papers and documents connected with them, surprising in one absorbed as he had been in duties and occupations so different, and carrying with them such momentous consequences. The points chiefly in dispute, apart from special questions of leases or money claims, were such as then were frequent in connection with copyhold tenures, and the courts baron incident to a manor

\* See *ante*, 531.

and its lords; but in Eliot's case they were aggravated, as we gather from all parts of his correspondence, by secret party interferences and hostile influences, as well as by the vexations to which the position of his property and his own imprisonment exposed him. Mr. Mayowe, his kinsman, uncle or cousin as he styles him, was his high-bailiff or steward, to whom in the absence of the lord those courts at that time gave both criminal and civil jurisdiction. Dyer was the ordinary bailiff. Hill was his old and generally trusted servant for all confidential affairs, and who acted on occasions as bailiff, as steward, or in any capacity. And the Mr. Treise, formerly so prompt with kindly service in an hour of need, appears to have since accepted from him a formal trust in the management of the especial estates bequeathed by his father-in-law.

ELIOT TO HIS BAILIFF DYER. (23<sup>d</sup> Decemb<sup>r</sup>, 1630.)

"DYER,—I am informed of divers disorders at St. Germans, and that, for wante of proceeding in the Steward, or information to bee given him, all men doe what they please, and bring the courts into contempt. Amongst other particulars the Miller does complaine of the w<sup>th</sup>drawinge of his customes, and that noe course is taken at his instance. It is yo<sup>r</sup> dutie to looke to these thinges; and from time to time to give information thereof to the courts, and to press for justice, w<sup>ch</sup>, if you cannot obtayne, it should be yo<sup>r</sup> care to give me intelligence of it: as it is y<sup>r</sup> dutie of y<sup>r</sup> office of bayliff, yo<sup>u</sup> know. Yo<sup>r</sup> fee also is granted for it: w<sup>ch</sup> certaynlie by indiligence and neglect will not be deserv'd. Besides, yo<sup>u</sup> are by yo<sup>r</sup> oath bound to intend and preserve all the rights and liberties, w<sup>ch</sup> obligation can have noe discharge by sitting still. And therefore yo<sup>u</sup> must see a reformation of those thinges, as well as the prevention of others; or I shall not receive satisfaction in the service: Whereof, hoping yet the best, I rest y<sup>r</sup> loving master, J. E."

ELIOT TO HIS KINSMAN AND STEWARD MAYOWE. (Same date.)

"S<sup>r</sup>.—I understand from the Miller at Tudiford, that divers of the tenants w<sup>th</sup>drawe their custome from him to the great disprofit of his mills; and when he makes presentment of them at the court, it is rejected, w<sup>th</sup> a bouldnes and confidence in some, as if it were due, and that their countenance were a protection against all right. I pray hee-

in consider the trust yo<sup>u</sup> have receav'd, and whom it does concerne. The lords, I know, will not take it well, if the court be suffered to fall into contempt, or that anie man should presume to discountenance their interest. And for my part, in what respect soever I value, and shall requite, him whose love and services are faithful, *I shall likewise lett him know the contrary that makes a defection in his dutie.* Yo<sup>r</sup> care is the cheife instrument that should rectify these errors, and preserve the right of the court, for w<sup>ch</sup>, besides the homage, yo<sup>u</sup> have the bailiffe to informe yo<sup>u</sup>; and upon his presentment, who is s<sup>w</sup>orne to that end for the benefit of y<sup>e</sup> lord, yo<sup>u</sup> may proceed against the offenders. W<sup>ch</sup> therefore I shall desire that in this case yo<sup>u</sup> will doe, as in all others that require it; and, wher yo<sup>u</sup> finde difficultie or opposition, to certifie both the parties and their reasons: that ther may be some course taken to prevent the danger of the example. Wherein to prepare the way, publish this letter to the tenants in yo<sup>r</sup> court, that they may see what's to be expected, if they be misled by vaine presumptions. And soe with my love to yo<sup>u</sup> and them, who, I hope, as they have formerly will hereafter still deserve it, and commending you to God in a desire of all yo<sup>r</sup> happines, I rest yo<sup>r</sup> loving friend and cosin, J. E."

ELIOT WRITES OF HIS TENANTS AND THEIR RENTS AND LEASES.  
(23<sup>d</sup> August, 1631.)

"UNCLE MAYOWE,—I thanke you for yo<sup>r</sup> care in my affaires, w<sup>ch</sup> I pray continue as it may be agreable w<sup>th</sup> yo<sup>r</sup> health, and when ther is opportunitie, I shall be readie, as I am still willing, to requite it. In Fane's suite I cann say little to satisfie him. For mee to repaire a wall that have no profit from the house, and that to the use of other men, *were more charity than wisdom.* The rent he tenders for my interests is too little. But if that offer were enlarg'd, and that he would re-edifie those ruines to make them habitable againe, I would consent to grante a lease for such termes, as he might be recompensit for his costs. Clement's proposition is to [o] short; and I hear not of much merit he has to me-wards, to supplie it. When I shall receive any such overtures from yo<sup>u</sup>, that are proportionable, I will returne an answear to them: but otherwise I shall save both yo<sup>r</sup> trouble and myne owne. For the releifes due upon the death of Austin, as likewise upon the alienacōn of Tregonnocke, you should doe well to have them levied against the next accompt. The lands, I think, are held on focage. The due, the former books will shew; w<sup>ch</sup>, whether by division it now multiply, or that the sūme be still the same, payable amongst all that are parties to the lands, this I leave to yo<sup>u</sup>, and rest your loving cosin, J. E."

ELIOT AS TO CLAIMS UPON HIMSELF, AND HIS OWN CLAIM UPON LORD ROBARTES, FOR MONIES DUE. (5th September, 1631.)

"HILL,—For y<sup>r</sup> mother, the letter w<sup>ch</sup> you have I thinke may satisfie her for yo<sup>a</sup>. If it be short, I will amend it by another. For Mr. Bolitho, if his necessity be reall, you may indeavour to supply him: but yo<sup>a</sup> must consider, that I be not thought unmindfull of respects, that the monie oweing Mr. Eftcott on a more proper due has been a longer tyme forborne, w<sup>th</sup> les trouble and importunity requir'd; and therefore *be should be first satisfied who batb staid with most respect*. But if you finde yo<sup>r</sup> receipts good, pay them both at Michaelmas; or with a part perswade them to some forbearance of the rest. . . . (*ante*, 593.) At the returne of my letter from my Lo. Roberts's, I wonder not a little, it being soe much uncivill. Mythinkes it should be but an effect of Cornish breeding, and no other. For a service and courtesie presented to have such an answer of neglect, could not proceed from one that had honor and good blood. Learne by some meanes, if yo<sup>a</sup> cann possibly, how it comes: whether it were rightly delivered, and by whom answer'd, and for what reason and exception. W<sup>ch</sup> when I know, I shall thinke of a reply. Give me this as particularly as yo<sup>a</sup> may; and in the meantyme stop Mr. Treisse his journey. If they desire a treaty, lett them now send to us. The inclosed is an answer to the troublesome letter of Mr. Lower. Deliver it; but hereafter give noe conveyance to such occasions. Lett them travell for themselves. Farewell. Your loving master, J. E."

A copy of a letter to Lord Robartes, with the date of the preceding June, will explain some allusions in the foregoing. It is in Eliot's business style, close, curt, and with no words unnecessary. What he solicits he has the right to, and is at no pains to conceal the fact; but indifferent as he is to his lordship's good opinion, a letter he is careful to send by the same messenger to his daughter, adds to the many proofs we have of the writer's kind courtesy to women, and of the personal interest in them which at all times he seems to have established for himself where the friendly opportunity offered. A word of thanks and a smile from my lady Lucy would doubtless more than counterbalance her father's incivility. Lord Robartes held his peerage by one of the recent creations, and, as Eliot hints, the effect of Cornish breeding remained more manifest in him than either honour or good blood.

ELIOT TO MY LORD ROBARTES. (25th June, 1631.)

"MY LO.—I am sollicitd by Mr. Bond for a discharge of his engagement to yo<sup>r</sup> Lordship, in wh<sup>ch</sup> hee seemes to apprehend a feare upon some late message or intimation he has had. I confesse it has beene a greater presumption in me of yo<sup>r</sup> goodnes, than discretion in the thing, that it depends foe longe. Soe much use being paid, and the full principall, and the reste arisinge upon use to a small matter if not all, I did thinke the securitie would have been render'd by yo<sup>r</sup> Lord<sup>p</sup> without this importunitie from me. I have formerlie endeavour'd to have given yo<sup>u</sup> satisfaction in all doubt; shewinge the severall payments w<sup>ch</sup> both yo<sup>r</sup> officers and their acquittances doe approve. I have expected a faire issue without trouble upon an intimation of yo<sup>r</sup> willingness. The desire I had to preserve a friendship w<sup>th</sup> yo<sup>r</sup> familie, to which, nowe more shortlie, yo<sup>r</sup> late alliance does oblige mee, made me desist a fuite which this six yeares nowe has slept. And I hope Cornwall onlie will not give me occasion to complaine, nor yo<sup>r</sup> Lordship above others: but I shall have that favor, having discharged the debt, to receave up the bonds. To which end I have addrest this messenger to yo<sup>r</sup> Lo<sup>p</sup>; and in confidence of yo<sup>r</sup> justice and respect doe rest yo<sup>r</sup> humble serv<sup>ante</sup>, J. E."

ELIOT "TO THE LA: LUCIE ROBERTS." (25th June, 1631.)

"MADAM,—Having occasion to addresse this messenger to yo<sup>r</sup> La: father, I could not but presume in a few lynes to kisse yo<sup>r</sup> hands. It is not the least unhappinesse I suffer (and I hope w<sup>thout</sup> invocacons you will credit mee), that I cannott expresse my admiration of yo<sup>r</sup> merit in some service; and that these parts should be honor'd by your presence, *I not there!* I know not what satisfaction that wilde countrye may afford yo<sup>u</sup>; but if anye thinge that has relation unto mee might be worthie of yo<sup>r</sup> com'aunds, it stands as a sacrifice to yo<sup>r</sup> pleasure, wherein yo<sup>r</sup> use and acceptation shall be esteemed a favor to yo<sup>r</sup> most humble servante, J. E."

ELIOT INSTRUCTS HILL UPON VARIOUS MATTERS IN DISPUTE AT ST. GERMANS. (11<sup>th</sup> October, 1631.)

"HILL,—In the bookes w<sup>h</sup> y<sup>u</sup> sent by Abraham, y<sup>u</sup> are in one right, but the other is mistaken, and therefore when y<sup>u</sup> send up any trunk or carriage, putt up all those manuscripts that are there, w<sup>h</sup> are not many nor great, and will have little trouble in the carriage. Samsford's letter of attorney, in that businesse of Acland's, is not that wee lacke, nor what will be usefull in o<sup>r</sup> case, that being only upon the originall bond w<sup>h</sup> is delivered up; but that w<sup>h</sup> I meant was from Seymour to y<sup>r</sup> selfe, and the counterbond is w<sup>th</sup> it: which if you

finde not ther, must be elfewher laid in safetie, and I beleeeve it was committed to y<sup>r</sup> custody. For the escheat y<sup>e</sup> write of, I wonder not a little Hillary should be an opposer of o<sup>r</sup> rights, and more that the stewards and officers should be soe patient in o<sup>r</sup> wronge. The title has noe question, and he comes daylie in their liberties, soe as they want not opportunity to compell him: mythinkes M<sup>r</sup>. Treiffe should have given a present direct'on in the case, whose trust was intended to that end that his knowledg might be a guidance in such thinges, and his care a securitie to our interests. The tenants and officers themselves might [of] their owne experience have known the dutie in this point. 'Tis not long since there was the like accident in that placé, but w<sup>th</sup> some disadvantage w<sup>h</sup> this has not. At the like faire, such goods or monie was taken w<sup>th</sup> a theefe, of w<sup>h</sup> the constable posselt himselfe: and the theefe beinge sent to jayle, those thinges were rendered to o<sup>r</sup> officers, who in accompt did answear them to us. *This the bookes will mention. Y<sup>e</sup> may see it ther particularly, w<sup>ch</sup> I can give but generally from my memorie.* The tenants doe all know it, and cann satisfie y<sup>e</sup> therein. The tyme I thinke was not above six or seaven yeares since if so much, the summe accounted about five or six pounds, and I thinke it was onlie monie that was taken. Ther might have been in that case some color to have kept it for the maintenance of the prisoner and his charge, but in this none; nor has the constable a power to take it w<sup>th</sup>in o<sup>r</sup> liberties. It should have ther been delivered to the officers and left remayneing in their custodies: for w<sup>h</sup> injurie lett them forthwith be arrested, as well to answear for that breach, as for the goods soe taken. Acquaint M<sup>r</sup>. Treiffe herewith, and lett him give direction from the co<sup>rt</sup> that such boldnesse may not have encouragement by the example. As I must take it ill from any in the like, soe more from such as owe us service and respect. *The littlenesse of the value makes not the right the lesse, but the prejudice and injurie the greater,* of which make known to Hillary the apprehension that I have. The Hind writes of the shorteninge of his household, and that Geoffrie, who is part of the charge he greives at, tells him he is to have his diett ther duringe his life. I know not who has granted it, or whether by continuance he prescribe it; but such pretence beinge made, ther is the more reason to remove him. Take Burnard's accompts for this yeare, and bringe them up with y<sup>e</sup>, and lett them be carefullie examined, and made perfect while y<sup>e</sup> are ther. . . . Farewell. Y<sup>r</sup> loveinge maister, J. E."

ELIOT ASKS A FAVOUR FROM MR. SHERIFF PRIDEAUX OF CORNWALL.  
(17<sup>th</sup> November, 1631.)

"SIR,—This bearer, Mr. Periman, desiringe my recommendac'on to y<sup>e</sup>, I have willingly imbrac't it, both in respect to him, and as in opportunity to expresse my affection to y<sup>r</sup>selfe. I perceave he is in hope of being y<sup>r</sup> servant for y<sup>r</sup> sherifswick, and that there is noe difficultie but an

apprehension w<sup>ch</sup> y<sup>u</sup> have of some difference betweene him and Mr. Arundel, wherein I finde him soe readie to yeald satisfacc'on both to Mr. Arundel and y<sup>r</sup>self, as that he will withdrawe those suites he has against him, and in all thinges for his tyme have him in such regard, as neither his businesse nor his friendes shall have the leaste prejudice by his acts. This I shall heer give in assurance to John Arundel whom I doubt not to satisfie in that point; and soe much I cannot but desire y<sup>u</sup> likewise to beleeve, for him whom I have found carefull of my good, and will, I know, having this obligac'on laid upon him, be as faithfull unto you. By which trust, besides your former favours, I shall be engaged in all thinges to rest y<sup>r</sup> friend and servant, J. E. I praie represent my services to the good gentlewoman y<sup>r</sup> Ladie."

The letter from an old Cornish friend that follows, and Eliot's reply, give us glimpses of the schemes now everywhere in course of trial for the raising of money without a parliament; as to which, with a natural interest, the imprisoned patriot had been enquiring of his old associate and neighbour. The "Sir B." hinted at was Eliot's old enemy Sir Barnard Grenville, whose former exertions for the muster levies were not more egregiously a failure than his present exertions for the loan; the breakdown of both being attributed alike to Eliot's "malevolent faction."\* If sturdy Mr. Scawen held his hands fast in his pockets, refusing to be complimented out of his money; if the only promises to give came from the meaner sort of people who had nothing to give; and if, as we perceive, Eliot's own town of St. Germans refused to a man to give or compound at all; Grenville's letters were still ready and eager gravely to assure my lord the Secretary that Eliot's wicked influence was at the bottom of it all! What the imprisoned patriot had to do with it we here see.

MR. SCAWEN TO ELIOT. (June, 1631.)

"Sr,—You do not, I hope, impute my long silence to either neglect or forgetfulness. I have had the lesse cause for empty letters in that I presume on y<sup>r</sup> assurance of me to be the more, and in that these parts have afforded so little worthy y<sup>r</sup> knowledge. The seconde fearfull

\* See *ante*, 473, 516, &c.



commiffion is now paff; and fince by your fervant you are pleafed to demand it of me, I will prefent you, tho there be not many things in it worth the obfervation, with the relation of the progreffe of it. We were all called together (but in feveral days followinge) at Bodmin. After the commiffion was read, we were like to depart without as much as any fpeech offered us. Much tyme was fpend in ftrayninge curtefy between the fon and the father, and I think we had bin deprived of the expectation, had not the courtier brought down fome of his court-phrafes in exchange for the money. I enterpreted their long filence to the beft, thinking they meant by it that they thought the matter fuch as no Cornifh man would open his mouth in it, and therefore fitteft for a ftranger, who, for aught that I could perceive, directed his words more to thofe that fhould have fpoken, than to us that fhould have heard. We were directed the firft day, that fuch as would not compound fhould give their answers in writinge; a courfe which, if they had held thorough, would have proved little to their advantage. The Hundred of Eaft were firft called; in which (making choife of the p<sup>r</sup>ifhes\* and men fitteft for compofition) they made pretty ftore of mony, till St. Germans, according to the direktion, giving their feveral papers, had fhewen the way of *non*-compofition; for of twenty-eight returned, not one compounded. Lanrake and Landilepe followed the prefident; upon which they thought it beft to finifh that day's fervice without calling out that one Hundred. The Weft Hundred had not many. Pider and Stratton very few. Powder fomewhat more: but the greateft proportion raifed came from Penwith and Kerrier, the 2 fartheft.† The feare of it being perchance encreafed by the remoteneffe of place; or it may be, lying under command of y<sup>e</sup> caſtle, they thought it not wifdom to hold out. The total amounts to not much more than two thouſand pounds; of which the moſt of it comes from the meaner fort of people, and ſuch as, I preſume, ſcarce have the value. Some with great words and threatenings, ſome with perſuaſions (wherein Sir B: did all), were drawne to it. I was like to have bin complemented out of my mony; but knowing with whom I had to deal, I held, whiſt I talked with them, my hands faſt in my pocket. You will wonder to hear what things we had here returned for K<sup>n</sup><sup>ts</sup>: but that nothing is now to be wondered at. S<sup>r</sup>, if any thing lie here wherein I may ſerve you, I ſhall take it an

\* This is one of the letters imperfectly printed by Mr. D'Iſraeli, who omits all the opening, and drops a dozen words out of the firſt ſentence he gives. But this is nothing to the nonſenſe he makes of the words he does print. The word "p<sup>r</sup>iſhes" (pariſhes) he turns into "piſtors," and by miſpointing renders the whole ſentence additionally unintelligible.

† "The 2 fartheſt" Mr. D'Iſraeli prints as two additional names of places, "Trigg and Leſnewth" (!); omits the next ſeventeen words; and, making one ſentence of the whole, prints it thus: "Penrith and Kerrier, Trigg and Leſnewth, they being under the command of the caſtle, they thought it not wifdom to hold out." In the next ſentence he turns "not to much more" into "to not more," and his pointing is abſurd throughout.

honour to be commanded; and be assured, *that as you suffer for others, so there are some others that suffer for you*, amongst which is your servant, W. S."

ELIOT REPLIES TO MR. SCAWEN. (21st June, 1631.)

"SIR,—I thanke you for your intelligence of the late passages at Bodmin, wherein some satisfacc'on does arise, that *though that country have not all the wisdom that they should, yet they are not in as great stupiditie as some others, but divide between folly and abjectness*. I am glad to hear your neighbours at St. German's doe so well, and by your example make themselves good presidents for others. Those that brake that rule will have occasion to repent it, when they shall see their gaine only is the los of their own monie: which may work a better circumspection for the future. Though I am at a great distance from you in my person, my affection is still with you; and as I wish your happinesse, my indeavours shall be readie to procure it. I praie, as to yourselfe, whom I would have confident of this truth, give it in assurance to the rest, that in all things which may level with my power, none shall be more indutrious to that service than J. E."

Some letters of friendly courtesy will shew his cordial and familiar intimacy with men of influence on the popular side who regarded him as their leader; and others of intercession with such friends for men generally of humble condition, will shew his kindly nature. Many similar examples have before been incidentally given.

INTERCEDES WITH SELDEN FOR ONE OF THE OFFICERS OF THE MARSHALSEA.

"I UNDERSTANDE by this bearer that upon a quarrell betweene him and another of his fellow officers at the prison, he was, in the late absence of the Marshall, displac't by Mr. Dutton. The offence, I presume (not rare for such partners in authoritie to have difference), being not altogether unpardonable; and the quality of the man such as I dare commend, giving me an affection to his good; I cannot but desire yo<sup>r</sup> favor in his behalfe, to labor his reception, and to mediat for him w<sup>th</sup> the Marshall, who giving yo<sup>a</sup> power in all thinges, cannot denie it in this one, wh<sup>ch</sup> has neither difficultie nor unfitnes to y<sup>r</sup>selfe. I hope it shall not seeme a trouble w<sup>ch</sup> gives the opportunitie of a visitt"  
—*Eliot to Selden.* (22nd March, 1629-30.)

SOLICITS ADVICE AND COUNSEL FROM SELDEN IN A CASE FOR PITY AND CHARITY.

"S<sup>r</sup>,—At the request of some friends, and for my particular affection to goodnets, I presume to recommend this gentleman to you; and to

crave for him yo<sup>r</sup> advice and counsell. You will easilie by yo<sup>r</sup> own viewe discern the distres both of his person and fortune : to w<sup>ch</sup> onlie for preparation I will add, to turn yo<sup>r</sup> sighte that waie, that as ther is much pitie in the case, ther is much meritt in the man : and thefe I know want noe third argument to move the inclination of y<sup>r</sup> chariue. Yet my intreatie must come in, ledd by mine own affections, and the obligation of those powers w<sup>ch</sup> can have no resistance. What favors you do him shall be discharged on my account ; wherein, amongst the manie others, this likewise shall be acknowledg'd for a debt by yo<sup>r</sup> servant J. E."\*—*Eliot to Selden.* (3rd June, 1630.)

#### INTRODUCES BENJAMIN VALENTINE TO SIR HENRY MARTEN.

"Sr,—I presume upon the interest you have given me to recommend this gentleman to your favor. I praie receave him as myselfe ; and wherein you may doe him courtesie, show your power and goodnes. W<sup>ch</sup> shall be an expression of y<sup>r</sup> true love to me, and an addition on my parte of that debt and obligation by w<sup>ch</sup> I am y<sup>r</sup> most faithfull friend and servant, J. E."†—*Eliot to Marten.* (6th June, 1630.)

#### REASONS FOR ASKING MARTEN'S FAVOUR FOR VALENTINE.

"Sr,—As I have formerlie bene your suitor for Mr. Valentine, I must still, in the same confidence of y<sup>r</sup> love, contynue that desire, that yo<sup>r</sup> justice maie be a protection to his cause depending in yo<sup>r</sup> Co<sup>r</sup>t. against the power of all opposers. Yo<sup>u</sup> know he is obnoxious to the tyme ; and by that manie difficulties maie be rais'd upon the quarrells to his person, wherein yo<sup>r</sup> favour onlie can secure him by dispatch of his present busines, to prevent the dangers y<sup>t</sup> maie come. Which circumstance will be an essentiall part of justice. With those respects it is attended. And therefor I presume to importune it more earnestlie ; and to entreate that at y<sup>r</sup> next sittinge yo<sup>u</sup> will perfitt [perfect] it ; w<sup>ch</sup> reallie shall be taken as an act of yo<sup>r</sup> affection exprest in particular to me, and have that power and obligation, as, if there were noe other, this alone should make me yo<sup>r</sup> most faithfull friend and servant, J. E.—*Eliot to Marten.* (29th Nov. 1630.)

#### ASKS LORD WARWICK FOR A CHRISTMAS PRESENT OF VENISON.

"Though the office of a suitor fort not either with my practise or condition, yet to yo<sup>r</sup> Lordshipp. upon the encouragement of yo<sup>r</sup> favour and invitations, I shall become petitioner, thincking it noe lesse if in answaere onlie I receave but the intelligence of your health : besides that the summe of my desire shall be but for a helpe to the entertainment of these holydaies. Some venison, if your store afford it, and that you thincke a prisoner worthie of it. In higher points I deale not, and for this I hope you will pardon mee."—*Eliot "to the Earle of Warwicke."* (27th December, 1630.)

\* Endorfed by Eliot : "for Mr. Drury."

† Endorfed by Eliot : "for Mr. Valentine."

THANKS LORD WARWICK FOR HIS PRESENT, AND SENDS MESSAGES TO  
HIS WIFE AND DAUGHTER.

"Having receav'd yo<sup>r</sup> letter and yo<sup>r</sup> present, I must acknowledg myself debtor for bothe; to w<sup>ch</sup> the intention that y<sup>a</sup> intimate, adds a greater obligation. I have nothing to meritt, or requite it; for my indeavors are as useles as my wishes. But I must take it as yo<sup>r</sup> charitie, not a loane; and then thanks onlie must be rendered, which I presume yo<sup>r</sup> favour will accept, though it wante of satisfaction: and that you shall have as a dailie retribution. I am much bound to y<sup>r</sup> noble Lady for her kinde remembrance, and to my La. M<sup>rs</sup>. But I pray tell her, that the imprisonment I suffer is for her disfavor; because she esteemes me not worthy of her service. Therefor I am restrained. But I submit to her displeasure, and in all humilitie kisse her hands, and soe with yo<sup>r</sup> Lor<sup>p</sup> a happie entrance and continuance of the New Year."—*Eliot to "my Lo: of Warwick."* (ult. Decem<sup>ris</sup>. 1630.)

A DAINTY OF SEA BIRDS FROM SIR WALTER DEVEREUX\* TO ELIOT.

"NOBLE S<sup>r</sup>,—The great desire I have to be preserved in your memory as one of your affectionate servants, makes me presume to trouble you with such impertine<sup>t</sup> lines as these, that have noe other busines but to kisse your handes, and to present you a faithfull though an unprofitable service, which when you shall doe me the honour to make triall of, I shall be prowed to embrace any occasion that may let yo<sup>a</sup> see, and y<sup>e</sup> world know, how much I am your servant. Although, S<sup>r</sup>, I am noe house keeper, I am bould to send you an vnworthy present, the rather because I suppose these sea birdes may be dainty with you, because they are but scarce heere, for I could hardly get these. I hope you will not measure my affection by such smalle expressions as I am able to make. I know you are never without a good fier where you may easily burie this fault of my presumption in its owne ashes, and soe be quickly revenged of the trouble I have put you to in reading these idle lines. My best comfort and assurance is you can and will forgive the error, which is occasioned by your very many favours and obligations, the sense whereof makes me still busie to appere and ambitious to subscribe my self, S<sup>r</sup>, your humble servant, W. D'EVREUX.† Netly, the 7th of March. My lord of

\* Devereux sat for Tamworth, as we have seen, in the Third Parliament. He was cousin to the Earl of Essex, on whose death in 1646, without male issue, he became Viscount Hereford. Essex had made his will in 1642, appointing Algernon Earl of Northumberland, Robert Earl of Warwick, John Hampden, and Oliver St. John as his executors.

† Addressed: "To my honourable friend S<sup>r</sup> John Eliot, present this with "my service in the Tower."

Effex presents his love and service to you, and bids me tell you he is really yours. I pray you present my service to Mr. Long."—*Devereux to Eliot*. (March 7th, 1630-1.)

#### ELIOT'S THANKS FOR THE PRESENT.

"SR,—I knowe y<sup>r</sup> wisdome is too great to expect repaiment from a prisoner for that debt, which not in liberty he could satisfie. It is a double ingagement yo<sup>u</sup> have now given mee by y<sup>r</sup> letter, by y<sup>r</sup> present, besides the many obligac<sup>o</sup>ns heertofore, for w<sup>ch</sup> I have no retribution but acknowledgment, nor opportunity for that but by the intervention of y<sup>r</sup> favours. Y<sup>r</sup> charitie must be my refuge in this case, to perswade y<sup>u</sup> to remitt what y<sup>u</sup> have soe impos'd, w<sup>ch</sup> by anticipation I presume as the intenc<sup>o</sup>n of yo<sup>r</sup> virtue, and that I must ever honor and admire. I have noe expresseion worthy that noble Lord, to represent me to his memory or to make oblation of my service; but, as by the advantage of a perspective, through y<sup>r</sup> conveyance, that may render it more acceptable, this faith I shall deliver, that in affection noe man is more his, not by parts but all, w<sup>ch</sup> when I am the master of my selfe, he maie dispose, and order as his owne thoughts. I shall butt studie to obey him. Y<sup>r</sup> assistance heerin shall be an addic<sup>o</sup>n to my charge, in acknowledgme<sup>t</sup> whereof, kisseinge your hand, I rest y<sup>r</sup> humble servant J. E."—*Eliot to Devereux*. (15th March, 1630-1.)

#### LORD LINCOLN'S ATTENTIONS TO ELIOT.

"MY LO :—I have soe many obligations to y<sup>r</sup> favour as I know not wher to beginn my thanks, and I am soe farr beneath all possibilities of requitall as I must die indebted or forgiven, if the same charitie which led y<sup>u</sup> hitherto, by reflection on it selfe, make not that merit w<sup>h</sup> is dutie, the humble acceptation of y<sup>r</sup> courtesies, and a perpetuite in acknowledgment. I had long since in this performance kist y<sup>r</sup> hands, if the uncertainty of conveyance to those parts, and an expectation of y<sup>r</sup> comminge upp to London, had not staid me; but now this opportunity being presented, and by a new occasion, I cannot neglect it w<sup>th</sup>out prejudice, my hart beinge most affectionate to be knownen, and my indeavours, were they usefulle, as ready to expresse me, your Lo<sup>ps</sup> faithfull servant J. E."—*Eliot to the Earl of Lincoln*. (Tower of London, 2nd October, 1631.)

#### ELIOT WRITES TO DENZIL HOLLES AFTER LONG SILENCE, EXPLAINING ITS CAUSE.

"SIR,—Through a long silence I hope you cann retaine the confidence and memoire of your frende. He that knows your virtue in the generale cannot doubt any particular of your charitie. The corruption of this age, if no other danger might occur, were an

excuse, even in business, for not writing. The sun, we see, begets divers monsters on the earth, when it has heat and violence; Time may do more on paper; therefore the safest intercourse is by harts; in this way I have much intelligence to give you, but you may divine it without prophesie. 'Tis but the honour and affection which I owe you, contracted in these syllables. Your most faithful friend and servant, J. E."—*Eliot to Denzil Holles.* (23rd June, 1631.)

DENZIL HOLLES REPLIES WITH MUCH AFFECTION, PREFERRING WHAT IS TO WHAT ONLY APPEARS TO BE.

"WORTHY SIR,—I am confident you believe I have returned you a thousand of thanks, and as many answers to your loving letter, since you were pleased to honour me with it, as that before I did as many times visit you with my best well-wishing thoughts, and entertaine you with the offers of my faithfulest service; and that all this intercourse hath been really and truly acted, being done by the hart, which is both (as you say) the safest, and indeed alone real: for that is, though perhaps it appeare not; whereas great outward professions many times appeare when they are in substance nothing. You and I have found this to be true Philosophy, which, as your wisdom will make use of to discern a superficial friend, so lett your goodness do the same to judge aright of his silence and of all his actions, who is without compliment your most faithful and affectionate friend and servant D. HOLLES. I need not expresse here my desire to be remembered to the rest of our fellows, nor need I name them."—*Holles to Eliot.* ("Dameram, 26th September, 1631.")

In the three brief succeeding notes we have pleasing evidence of Eliot's grateful memory for service rendered to him. Thomas Williamson Wyan, to whom they relate, was his proctor and solicitor in the admiralty-court throughout the Buckingham and Bagg conspiracy to deprive him of his vice-admiralty; with allusion to those days, as for one whom "in much trial" he had found to be a true friend, he now writes to Hampden on behalf of that old friend and servant; and as, on the last day of May, he dated his letter from his "summer-house" in the Tower, he was thinking doubtless of the country air, of the fields and trees, and of all the summer pleasures which his imprisonment denied to him.

ELIOT ENCLOSES TO MR. WYAN A LETTER FOR HAMPDEN.

"Sr,—I know not how far I may be usefull to yo<sup>r</sup> purpose, but my full interest yo<sup>u</sup> have; and, though manie might be happier in yo<sup>r</sup>

service, none can be more readie. The letter you desired is here inclosed, wh<sup>ch</sup> you may reade and seale. If it be not to yo<sup>r</sup> likeinge, correct it and returne it mee againe; and it shall passe in such forme as you prescribe. This, I hope, shall serve to expresse the contynuaunce of my love, wh<sup>ch</sup> alters not to those that are the friends of J. E."—*Eliot to I. W. Wyan*. ("Tower, 28th Maij, 1631.")

#### THE LETTER ENCLOSED FOR HAMPDEN.

"Sr,—This gentleman, Mr. Wyan, has honor'd me w<sup>th</sup> an opinion, that my words and recommendation is yett usefull; and to that end craves this addresse unto yourselfe. I confesse in this particular I am not altogether w<sup>th</sup>out hope, havinge experience of yo<sup>r</sup> charitie; but it is that that warrants it, not my meritt: w<sup>ch</sup> in all cafes, sever'd from yo<sup>r</sup> favour, were a wonder. He is one whom, in much triall, I have found amongst the faithfullest and most affectionate of my frends. Lett him have that admision to yo<sup>r</sup> credit; and if you thinke me worthe of that opinion, shew it on him, who comes as my hand for the reception of yo<sup>r</sup> curtesie; and has power to make that addition to the debt w<sup>ch</sup> you have impos'd on J. E."—*Eliot to Hampden*. ("From my 'summer-house i' th' Tower: ult. Maij, 1631.")

#### HAMPDEN'S REPLY.

"Sir,—I received yo<sup>r</sup> commaunds by y<sup>e</sup> hands of Mr. Wian, and was glad to know by them that another's word had power to commaund yo<sup>r</sup> faith in my readinesse to obey you, w<sup>ch</sup> mine, it seems, had not. If you yet lack an experience, I wish you had put mee upon y<sup>e</sup> test of a worke more difficult and important, y<sup>e</sup> yo<sup>r</sup> opinion might be changed into beliefe. That man you wrote for I will unfainedly receive into my good opinion, and declare it really when he shall have occasion to putt me to y<sup>e</sup> prooffe. I cannot trouble you with many words this time. Make good use of the booke you shall receive fro mee, and of yo<sup>r</sup> time.\* Be sure you shall render a strict account of both to yo<sup>r</sup> ever assured friend and servant, Jo. HAMPDEN. Present my service to Mr. Long. I would faine heare of his health."—*Hampden to Eliot*. ("Hampden, June 8th, 1631.")

What follows must be given without remark. I cannot throw any clear light upon it, and surmise or supposition might be misleading. All that is known to me of "Mrs. Blount" is that she was in some way connected with the "Mr. Drury" for whom we have seen

\* The allusion here is to the book similar in subject to Eliot's treatise, which Hampden afterwards sent to him (*ante*, 611–614); and the injunction to make good use of his time, was to urge him to complete the manuscript for satisfaction of his friend's desire to read it.

Eliot bespeaking Selden's good offices. That for the time he had inspired Eliot with something more than mere friendly admiration, and had been the subject of some other written address for which this letter is partly an apology, is the limit of what it would be safe to affirm; and it is only left to us to hope that the passion here expressed did not long disturb the philosophy or invade the rest of our imprisoned patriot. To love and be wise is a problem which the wisest too often have found it the most difficult to solve.

#### LOVE'S FEARS AND SUFFERINGS.

"To retract my error and yo<sup>r</sup> wonder for my yesterday's address, give me leave now to present my selfe in the truth of that sadness w<sup>ch</sup> affects mee, and to shew y<sup>u</sup> the cause, whereof that Nothing was the effect. Having hearde on Wednesday, by Mr. Drurye, of y<sup>r</sup> sickness, I became melancholie; or rather, by sympathie did participat yo<sup>r</sup> greife. That apprehension cast me into new passions, w<sup>ch</sup> had operation as my fears and hopes did give them force. Sometimes I conceived (and in those thoughtes tooke comfort) that though, as a stranger, trouble might salute yo<sup>u</sup>, it could not as a familiar pretend to foe much sweetnesse. At other times I doubted (as love is always jealous) that the ill genius of this age, as envious of such excellence, had corrupted sickness to attempt it, and foe yo<sup>r</sup> worth was turned into a prejudice. In these thoughtes I number'd the minutes of that night; every revolution givinge a new modell of uncertaintie, that multiplied my fears. Those were followed by desires of intelligence, of helpe, both check't by wante and disabilitie, that in y<sup>e</sup> morning they lesse me in such a wildernesse and distraction, that something must be done for ease and satisfaccon. In w<sup>ch</sup> labour, that freate and abortion was brought fourth; and this was the occasion of that entercourse, from which a new discoverie arisinge of the continuance of yo<sup>r</sup> paines, such an addition it has given me of doubts, and fears, and sorrowes, that, weighing the condition they were in who stand for examples of calamitie, in them y<sup>u</sup> reade the character of my sufferings who am nothinge but misfortune. Let yo<sup>r</sup> answere nowe release me w<sup>th</sup> assurance of yo<sup>r</sup> healthe. At least *tell* me you are well, that the beleife may cozen me. As I have noe wishes greater, nothing can more please me than that newes to be delivered by y<sup>r</sup> selfe; for w<sup>ch</sup> favour, though I am not capable of more, I am petitioner to y<sup>r</sup> fortune and yo<sup>r</sup> goodnesse. And foe, kissinge y<sup>r</sup> fair hands, in hopes I rest y<sup>r</sup> humble servant, J. E."—*Eliot to Mrs. Blount*. (10th June, 1630.)

The next three letters exhibit a difference with Sir Miles Hobart, Eliot's ex-fellow-prisoner, not now in any



way interesting to us except for the points of character it elicits. Hobart's discontent had been caused by the terms of an award made by Eliot as to the securities on some property in Wiltshire, affecting Walter Long's estate. Eliot's superiority in the dispute is manifest. The rules he prescribes to himself in controversy with a friend; his quiet rebuke of Hobart's petulance; the unmoved way in which, defending himself from the charge of unfriendliness or unkindness, he shows to what extent there was ground for censure if only that had been his object; his calm yet not uncourteous reassertion of what had moved Hobart's wrath; and his intimation that he shall not indulge his too hasty friend's propensity to quarrel by permitting the correspondence to continue; are all excellent personal traits, and the letters otherwise are happily characteristic of him.

#### ELIOT REPLIES TO A COMPLAINT FROM HOBART.

"Sr,—I did hope y<sup>r</sup> confidence had bene such of me in generall that I should not neede a particular explication to y<sup>r</sup>selfe of that respect wh<sup>ch</sup> is owing unto all men. Two rules I have alwaies held inviolable as the consequents of charitie and justice: *not to conceive a jealousy to some; nor to judge without a bearinge.* And these in your case have been soe faithfullie observ'd, that upon the report of anie passages of yo<sup>r</sup><sup>m</sup> I have still favor'd them with the best constructions: and though, at some instance of particulars in the point of yo<sup>r</sup> awarde which might seeme to varie from that order, I have by way of supposition then exprest myselfe in dislike of such indeavors, yet I am not soe prejudicat to determine of the fact, or without conference with y<sup>r</sup>selfe to conclude you guiltie. 'Tis true upon an agreement faithfully and exactly establish't, I presum'd to have found an exact readinesse of performance, wh<sup>ch</sup> I am confident would have bene for the benefit of all sides; but all actes and prevarications to the contrary, as they will have in a true estimate or value neither satisfaction nor advantage, soe they cannot but receive from me that censure and opinion wh<sup>ch</sup> my freinds will never meritt. And thus in all service and affection I rest y<sup>r</sup> assured friend J. E."—*Eliot to Hobart.* (11<sup>th</sup> Julij, 1630.)

#### HOBART RESENTS ELIOT'S ELEGANCE OF PHRASE AND QUAINTESS OF WIT.

"Sr,—In the elegancy of phrase I know not w<sup>ch</sup> way to retourne answerre to your let<sup>r</sup>, but by commending that part only. I perceive a wife man may many times be misled, when witnesses are produc'd to

them who have no power to take their testimony upon oath; and if that way I have bin abus'd, it is not the quaintnes of wit that shal be able to præclude me guilty, either of weaknes or faithlesnes. Let me rather know the worst you can make of anything that I have done, than be wrapt up in the bundle of your friends, whose merits cannot reach your worth. Thus, desiring to be approved your honest friend rather than your assured friend, I reste in hope to know the particulars whereupon your censure and opinion is grounded. **MILES HOBARTE.**" *Hobart to Eliot.* (11<sup>th</sup> Julij, 1630.)

**ELIOT'S LESSON TO HOBART IN TEMPER AND CONTROVERSY.**

"**SIR,**—I see it is not unjustifiable in reason that I am soe slow to write; and though the present necessitie doe exact it, I shall desire you hereafter to excuse mee if I should not complement in that ceremonie : *mistakeings being too frequent in discourse, but those in paper more permanent and bindinge.* Your second letter gives me occasion of this, wherein you shew at least a misconception of my answer to your former, if not more. The particulars you enquire doe prove it: from whence you seeke a ground of my censure and opinion, as if I had cast some ill conjectures on you. Whereas I had noe such thought in my expression, and presum'd that could not now have fail'd me. If you againe consider it, the scope in generall will satisfie. It saies that I had an expectation of an exact performance of agreements; and that of anie prevarications or breach I could not have a good censure or opinion. But, that I concluded any such on you, or did infer a jealousie thereof, I must be much mistaken to have it thought soe: and instead of censuring, am mis-censured. The particulars likewise cleare it, if you view them: w<sup>ch</sup> tell you that upon all reports I have made the most favorable constructions. And though some objections might be fram'd against the course of your proceedinges, yet I had not of myselfe made the least conclusion to your prejudice : *nor could do soe, without bearing, against anie man, much le's to those which are numbered as my frendes.* You knowe in our last conference how I dealt with you in this point; how freelie I gave what was then objected; and as gladlie tooke your answer, to which I find againe something now opposd. For whereas you laid the reason for the countermanding of your messenger w<sup>ch</sup> was sent to take the securitie in Wiltshire, and seemd [to] ground that act upon the scope of your other writings with your lawyer, done as you conceav'd for the prevention of y<sup>t</sup> worke when the other was in forwardnes, it is affirmed, to the contrarie, that that interruption w<sup>th</sup> your lawyer was before it, in the morninge, when you stood averse and disaffected to the other, and that the sense thereof onlie brought you on to that seeming consent and dispatch for the securitie, w<sup>ch</sup> (having thereby got a freedom in the other) you againe secretlie retracted. This likewise is alleged: but how truly I determine not: soe farr I am from a hasty censure or opinion. And therein, being carefull of my dutie to all men, as in particular of my friendship unto you, I have a little

further laboured to improve the opportunitie before me, by Mrs. Long being here, and to know how farr she has us'd my name in the question of your dealings; who gives this answeare, and desires to make it in your prefrence (having seen the charge you give in your letter): That it is either a jelousie or invention of your own, and what no waie can be author'd upon her. But having thus farr trod the path of satisfaction, I must goe a little further; both to give and take it. There be some passages in your letter I understand not, and am not willing to mistake them. Nor will I fix mine eye upon the lighter objects. But when you speake of a wise man's being mistaken, of testimonies taken without oath, and your abuse that way—in these things I should be glad to knowe the meaning. And if they relate to me, and the present occasion and discourse, I have said enough to cleare it: If to the award and judgment that is past, though I have noe pretence to wisdom, I doubt not to find witt enough to justifie that act. For which I shall make the reasons publick that will shew where the abuse does rest. But retayning my confidence in your charitie, as I shall not but deserve it, I remaine your both honest and assured friend J. E."—*Eliot to Hobart.*<sup>\*</sup> (12<sup>th</sup> Julij, 1630.)

The letters I shall close this section with are a portion of the correspondence with Mr. Thomas Godfrey, "honest Tom" as he was wont to be called, of the "ffriers, neere Grantham," to whom many references have already been made. He was the centre of a group of friends in the Lincolnshire country, "honest sons of Lincolnshire" as hereafter we shall find Eliot call them in writing to Sir Edward Ayfscough, with whom the imprisoned patriot seems to have been an object of special solicitude, which he warmly repaid. They had all sat with him in the third parliament. Besides Godfrey himself, there were the two knights for the county, Sir Edward Ayfscough and Sir William Armyne; and there was his neighbour, Mr. Thomas Hatcher of Corby, "the other honest Tom" as Eliot describes him, who represented Grantham; who seems to have taken a peculiar interest in Eliot's literary labours, and a letter to whom will fitly introduce the rest that claim insertion here.

<sup>\*</sup> Hobart did not live long after his release. He died in June 1632, from the effects of injuries received in an accident. His horses taking fright in descending Highgate hill, he was thrown from the carriage and killed. The Long Parliament voted 500*l.* for a monument to his memory; and this was erected at Great Marlow, for which he sat in Parliament.

## ELIOT ENLARGES ON HIS DEBT TO HIS FRIENDS IN LINCOLNSHIRE.

"Sr,—If a prisoner may pretend to happinesse, and that such excellence can descend soe low, I may now challenge it as my right, entitled by yo<sup>r</sup> favour. To be reteyned in the memory of my Lincolnshire frends; to be acknowledg'd in that name by such a worth, and judgment; to have an expresse of that favour, and yo<sup>r</sup> own hand to witnesse it (the distances considered, of places and conditions; and the operation of the tyme, when desertion onlie is in use); it is soe neer a wonder, that to make my joye proportionable, had I not other checkes and intelligences within mee, I should put a new estimat'on on myselfe, and forgett myne owne misfortunes, throughe the influence of yo<sup>r</sup> charitie. Though I cannot equall it w<sup>th</sup> the meritts of yo<sup>r</sup> virtue, I shall still acknowledg them; and the confession I hope will be acceptable from him, that has not abilitie for more. My affections onlie are at libertie, and in all redinesse to serve yo<sup>u</sup>. When I may give them demonstration, and that opportunitie and occasion is presented, they shall soe render me that yo<sup>u</sup> shall not doubt I am y<sup>r</sup> most faithfull frend J. E."  
—*Eliot to Hatcher.* (Tower, x<sup>mo</sup> June, 1630.)

## ELIOT SENDS A LETTER INTO LINCOLNSHIRE BY VALENTINE.

"Sr,—The faifty of this conveyance prevents all excuse, and though I wrote not, his presence were a letter. A large remembrance he is, and I hope you foe will take him from me, who, wanting better interest, yett thus may send him unto yo<sup>u</sup>. He is likewise a parcell of intelligence; so great a newes, as I thinke you could meet with nothing stranger; and so full of the knowledge of the tyme, as you have all things else in him. So that in all parts he is the exactnesse and perfection of a letter. To him therefore I have com'itted all the offices of my love. His duty is to see you and to serve yo<sup>u</sup> in those parts; and if there be any employment for you heer of wh<sup>ch</sup> I might be worthy, his care must be to intimate the occasion, and I shall endeavour in the rest. He has undertaken likewise for me to kiss the hand of yo<sup>r</sup> good Lady, and to make his acknowledgement of my debt. You have my prayers for satisfacc'on; and, when ther shall be opportunitie for more, myselfe, y<sup>r</sup> servant J. E."\*—*Eliot to Godfrey.* (2nd August, 1630.)

## SOME LINCOLNSHIRE FRIENDS HAVE VISITED HIM IN THE TOWER.

"Sr,—I have had this daie a double happinesse by the accession of y<sup>r</sup> letters and y<sup>r</sup> frends: and being parted nowe from them, I cannot but presentlie returne myselfe to you. It's a great share yo<sup>u</sup> have in me, even all if yo<sup>u</sup> commaund it; and not to give it some expresse,

\* This is the letter referred to, *ante*, 608; though Valentine did not arrive at Grantham with it until the close of September, in what Eliot called afterwards his "second progress:" when he appears not to have seen Godfrey.

were to transgresse both gratitude and love. I am confident I have had yo<sup>r</sup> prayers for all that I injoye, and it's too much not to be acknowledged. What yo<sup>u</sup> have given me in y<sup>r</sup>selfe is soe much above all meritt, that I have nothing to requite it, but the like prayers and wilhes. For the retribution of myselfe, more than is imported in affliction, is soe vaine and uselesse, as it is unworthie y<sup>r</sup> acceptance: and I would not have that affinitie with complement to offer what I have not abilitie to performe. But thus much I assure (and I hope for better for worfe yo<sup>u</sup> will receive it), that what I am, I am wholie yours, and readie on all occasions to expresse me y<sup>r</sup> most faithfull friend, J. E." —*Eliot "to Godfrey"* (endorfed). (8th November, 1630.)

#### A VISITOR FROM GODFREY TAKES BACK THE PRISONER'S THANKS.

"I AM happie in all occasions to heare from yo<sup>u</sup>, and now double, by this gentleman, with your letters to have the fruition of himselfe. I hope hee shall returne as well to you as hee has beene w<sup>th</sup> us, where he has not contracted the leaste signe of indisposition in his health, nor anie ill in manners, if yo<sup>r</sup> broth<sup>r</sup> Valentine have not corrupted him. I confesse there maye be somme daunger in that, in respect of the stronge infection which he has: but the cuntrye, and your counsell, will soon rectifie it; to whose tuition I must therefore recomend him. Love him, as you doe. His worth dothe meritt it. Use him as the image of yo<sup>r</sup> goodnes, sharing yo<sup>r</sup>selves with one another. I dare promise unto either it shall be without losse: naie, the mutuall benefitt w<sup>ch</sup> that transaction shall import, will have noe gaine els to answeare it. Yo<sup>u</sup> must pardon mee if I be envious to yo<sup>u</sup> both, out of affection unto either. To you I envie his presence and societie. For that happines of yo<sup>u</sup> I envye him. That single happines of either, noe other can be worthy of: but infinite were his happines that might enjoye you both! Pardon mee to wish, though I cannott deserve it; and in that wish let me be present with you. I praie represent my service to yo<sup>r</sup> most good La: whose hand I kisse." —*Eliot to Godfrey*. (13th Jan<sup>y</sup>, 1630-31.)

#### GODFREY SENDS NEWS OF MUTUAL FRIENDS, AND A WORD ABOUT THE COMPOSITIONS FOR KNIGHTHOOD.

"NOBLE S<sup>r</sup>,—I conceive the deathe of o<sup>r</sup> greate Sanderfon hathe stayed my buisnes of knightinge, untill some other of his condition shall informe agaynst me; the w<sup>ch</sup> I doe not much value: neither shall I soe muche as thinke of them, althoughe I doubt not but this cuntrye will afforde manie, whom I will leave as they are. Yo<sup>r</sup> ffreinds are well. S<sup>r</sup> William Armyne, w<sup>th</sup> his good lady, hathe been to visitte his poore brother Kingston, w<sup>th</sup> whom he spent more tyme than usuallie his Lo<sup>p</sup>'s friends doe. And yo<sup>r</sup> most faythfull servant makes good the ffriers, observinge the base wayes of a corporation; sometymes visittinge the little Lorde Willoughbie (who brought an ague from London) and home agayne. If wishes were powerfull, I should be often w<sup>th</sup> you.

However my hartie well-wishes, and my daylie praiers, doe and shall ever attende you; the w<sup>ch</sup> I doe at this tyme (w<sup>th</sup> my service) present unto you; ever restinge yo<sup>r</sup> moste faithfull servant to comāde, THO: GODFREY. My wyfe doth wishe you all happines. I desire my respect may be remembered to Mr. Longe, if he be still of you."—*Godfrey to Eliot*. ("The ffriers, neere Grantham," 21st June, 1631.)

ELIOT REPLIES WITH HIS OWN NEWS AS TO KNIGHTHOOD COMPOSITIONS.

"Sr,—I hope yo<sup>r</sup> great lord ["Sanderfon"] has carried with him all the intention of yo<sup>r</sup> trouble for the knighthood, and that with him that busines nowe is buried. There is little here nowe acted in that sceane. The harvest was in the countrey; and it is thought the Co<sup>rt</sup> will not be at more trouble for the gleanings. Those that putt themselves upon the judgm<sup>t</sup> of the lawe, stand yett w<sup>thout</sup> prejudice therein. The sunne seemes more powerfull than the windes. For those that are not flattered from their monies doe retaine them; and though there be a threatninge of some stormes, yet the men are safe. This bearer can give you the state of o<sup>r</sup> affaires. From whome having receav'd the honor of yo<sup>r</sup> letter and his companie, I could not but returne this paper in acknowledgm<sup>t</sup> of them both, resting y<sup>r</sup> most faithfull servant J. E. Represent my humble service to yo<sup>r</sup> Ladie."—*Eliot to Godfrey*. (29th Junij, 1631.)

Other correspondence with these Lincolnshire friends will accompany us even to the closing scene: and from what passed meanwhile with one of them on the subject of Eliot's treatise of philosophy, we may learn what further it will interest us to know of that labour of love so dearly cherished by him; which, since we read of it in his correspondence with Hampden, he has gone far to complete, and is now ready, at the instance of Mr. Hatcher, Mr. Selden, Mr. James, and other friends, to give to the world.

## V. THE MONARCHY OF MAN.

At the opening of September 1631, Eliot sent to Mr. Hatcher his completed treatise. He had promised it earlier, but the papers were detained by Hampden. They had come entirely to his hands, he said, "but yesternday." Nor had they ever met in one body before

that. In parts as they were created, they had been dispersed; so had they gone to Luke, to Knightley, and to other friends; and thus they had been much divided, but little seen. In a complete form they had been seen by Mr. Hampden only, and Mr. Hatcher's was "the second view intended them, w<sup>ch</sup> now they come to take, and "to receive yo<sup>r</sup> tast and relish of them." In the next sentences some touch of an author's sensitive and anxious temperament may perhaps be detected. "Yo<sup>u</sup> must be "just herein," he said. "Soe much they challenge as "their due; without partialitie to censure them. Where- "in by the bonds of friendship I oblige yo<sup>u</sup> freely to "deale with me; w<sup>ch</sup> shall be an expression of the "quality of yo<sup>r</sup> love. And if you faile in this, I shall "then doubt in all. Acquitt you of this jeolofie as "speedily as you may, and return these pilgrims to me, "that they may be faire written in one body. The "blotts and interlinings yo<sup>u</sup> must pardon; w<sup>ch</sup> are incidents to such draughts: this being more subject to "them than others, comming from a pen more fals and "weake than all; to which a disadvantage more was "added, in that it was an effort of recreation only, "and noe labour." When the design for it surprised him, he added, he had some more serious things in hand; and these still held on for the business of his thoughts, the others being made but a sport and entertainment for a while. The allusion was to his Memoir of the Parliament, and to his Tract on Government. He closed his letter with messages of remembrance to his friend's "countrimen Sir Will Armine, S<sup>r</sup> Edward Ayscough, "and the other honest Tom,\* w<sup>th</sup> all y<sup>r</sup> noble Ladies," for whose health and happiness he should sacrifice his humblest prayers.†

Mr. Hatcher's reply, dated from Carby three weeks later, is enthusiastic in its acknowledgement of Eliot's

\* Mr. Godfrey; whose name was Thomas, as Mr. Hatcher's was.

† MSS. at Port Eliot: 1st September, 1631.

confidence and favour. Many comforts had he stored up in his life, derived from Eliot; but such supreme enjoyment he had never known as at the hour in which he found himself entrusted with those jewels, his papers, to make him glad and happy with the fruition of them before so many his far abler friends, to whose view and judgment he might more profitably have presented them. But he beseeched his friend not to expect that he should pass any censure upon them; for how could they need that, coming from such hands? \* That was not the end for which he so much had "desired and thirsted" for them; but that he might in them, though but imperfect images and representations of their author, enjoy in part Eliot himself, to the satisfaction of his affections in some degree and measure.† He had received them only at the beginning of the week in which he was writing; ‡ and he could not now think them so sure in any hands as in his own. He would therefore crave to keep them till the next term, when he intended (God willing) himself to render them safe at the Tower.§

Next term came and passed, however, and the promise

\* "Especially from me, who too well know, and am too conscious to  
"myselfe of mine own emptinesse and weaknesse of judgment, to dare hazard  
"it upon such a subject."

† "And also from them gather some good knowledge and instructions,  
"to the bettering of my mynd and understanding; for from them we most  
"willingly learne of whose love we are best perswaded: and this being thus,  
"I assure myselfe you likewise obtaine some part of yo<sup>r</sup> end; and it cannot  
"but be well contenting unto you, that that w<sup>ch</sup> was yo<sup>r</sup> sport and recrea-  
"tion, may now be the delight and profit of yo<sup>r</sup> freind."

‡ "I received them but the beginning of this weeke, the 19th of this  
"month, and doe somewhat marvel at y<sup>e</sup> slacknesse, for by y<sup>r</sup> letter I  
"perceave they came from you, y<sup>e</sup> first of this present."

§ I give the close of the letter. "In the meane time, they shall not want  
"such cherishings as may be expected from him who will ever beare a most  
"faithfull and true-hearted affection to you their authour.—Yo<sup>r</sup> THO:  
"HATCHER. S<sup>r</sup>, I beseech you present my love and heartiest well-wishes  
"to my noble gossip, yo<sup>r</sup> now onely companion, [Wat. Long]. As to yo<sup>r</sup>  
"servant, o<sup>r</sup> old good freind, and Mr. Attorney's great favourite" [Valen-  
"tine], "we cannot yett have the happinesse of his presence in these parts;  
"nor have heard anything of him since his departure from Westminster."—  
*Carby*, 22nd Sept. 1631. Port Eliot MSS.



was not kept; Mr. Hatcher writing on the 10th of October to say that having happily got rid of the urgent occasions which were to have rendered necessary his attendance in London that term, he had found himself at liberty to "descend into his own infirmities," which daily persuaded him not to hazard a weak body to so long a winter journey. To have broken his promise of seeing his imprisoned friend had been nevertheless a great grief to him; and he could not bring himself as yet to take advantage of that messenger to return his papers, those pledges of his love, and so lose the opportunity of again reading them with that attention and leisure which both their own worth required, and his affection to them challenged from him.\* Since the first receipt of them he had been in this respect unfortunate, "not having been" two whole days at home; and upon the same love, therefore, which had first moved Eliot to communicate them, he should rely for his permission to keep them a little longer. "But I will engage my promise once more, to send them safe unto you before the end of" this tearme, unless you signify yo<sup>r</sup> pleasure for my "longer enjoying of them." His letter closes with the old earnest message from "all the good friends" of Sir John in those Lincolnshire parts; being especially required, he adds, to send from "S<sup>r</sup> Ed: Ayscough, who is now" with me, his truest love, and best respects, and heartiest "well-wishes." Eliot replied five days afterwards to the effect that one who was so pious in his favours needed not to doubt constructions. Such purposes as necessity prevented were satisfied by her laws; and the

\* "The breach of promise, and change of resolution, are things in themselves so grievous unto me, that I need no other punishment for them, than mine own guiltinesse; let me therefore humbly deprecate yo<sup>r</sup> displeasure, that it may not be added to that weight. W<sup>ch</sup> I shall hope to obtaine the rather, if you please to consider that my promise was primarily grounded upon an opinion of my necessary attendance at London this tearme, for the dispatch of some urgent occasions; w<sup>ch</sup> now happily falling away, I am sett free from y<sup>e</sup> engagem<sup>t</sup>, and at liberty." Port Eliot MSS: 10th of October, 1631.

observances of the greater good and benefit could be no breach of promise.\* For the papers his friend retained, he was to use until Christmas, as he desired, his own liberty in returning them; but he was to remember that with them an account of them was to be rendered. "That audit is expected, and I doe know you'll keep it, who will be just with y<sup>r</sup> enemies, much more with y<sup>r</sup> freinds."

Eight days before Christmas the "audit" was rendered; Mr. Hatcher not daring, as he then wrote, to transgress the limits set for return of the papers, although he had pressed as near as might be on the time. For he confessed he was loath, sooner than needs must, to part with such sweet companions, such faithful counsellors; while he could not in his reason and judgment but acknowledge that it was not fitting such jewels should lie so long hidden and obscured in his hands. But how was he to comply with that other harder condition laid upon him? What could *he* write that should be worthy of such excellence? The next term, he supposed, some occasions might take him to London, where as the best recompense of that journey he should be glad to see and attend Eliot; ready then, if he still exacted it, to discharge himself in person of that debt which he had laid so hard upon him. Nevertheless the good man, though apparently at the close of what he has to say, lingers and pauses still, as if the subject had a fascination he could not resist; and he ends by launching into eulogy of Eliot's work expressed with a warmth of personal affection that gives it an interest beyond the most refined or delicate criticism. The value of the tribute is its identification of the man with the philosophy. In the grandeur of its design, in the reach and scope of its moral teaching, in the lofty ideal to which its thought

\* "My affections w<sup>ch</sup> are earnest for y<sup>r</sup> companie doe more desire y<sup>r</sup> health, and that which is soe pretious in it selfe, I would not hazard for him that is soe vile." Port Eliot MSS. 15th October, 1631.

aspires, this friend sees only in another form his old leader in the commons' house, continuing still his labours as in that other field, applying all his faculties and energies to the service of his countrymen, teaching moral restraint with the same ardour wherewith he contended for political freedom, and working out in the silence of his prison, as amid the struggles of that famous parliament, the same disinterested aims with the same unfaltering purpose. The most keen critical powers, if worthy Mr. Hatcher had possessed them, could not have guided him to a conclusion more wise or just.

"But, alas! what can my poverty adde to yo<sup>r</sup> abundance! How-  
 "ever, my heart shal be then, and ever open unto you. Although I  
 "shall not be able to say more than this, w<sup>ch</sup> I now professe, that  
 "when I had read your discourse, and contemplated the excellency of  
 "the matter; the exquisitenesse and beauty of the forme, the con-  
 "trivall and disposition of each part, the elegancy of the phrase and  
 "expression, and the riches and majesty of the whole; it raised such an  
 "admiration in me, as did preclude all censure, and left no roome for  
 "opinion to enter; w<sup>ch</sup> therefore yo<sup>u</sup> must not expect. Besides, I  
 "found in it this property of excellence, that the better it is knowne  
 "and understood, the more still it insinuates itselfe into the liking and  
 "approbation of the reader. For, upon my first reading, I must con-  
 "fesse I fancied to myselfe many passages w<sup>ch</sup> I thought might be  
 "faultie; and I was glad, thinkinge thereby to approve myselfe just  
 "and faithfull unto you (w<sup>ch</sup> are the titles I more study and labor for,  
 "than to be accounted wise and judicious; since I conceive a possibility  
 "of attaining into them, whereas these are above my reach); when  
 "upon a second and third perusall, I saw myselfe frustrated of that  
 "hope. All those imaginations vanished; and nothing appeared save  
 "perhaps a slip of a penne, an omission or redundance of a word, the  
 "propriety of a phrase, or some such small thing, as w<sup>ch</sup> upon yo<sup>r</sup>  
 "owne reveiw will easily of itselfe fall off. W<sup>ch</sup> reveiw I wish might  
 "speedily be made; that so yo<sup>r</sup> freinds might the sooner be made happy  
 "in the enjoying thereof. For, I presume, I have through your bounty  
 "but anticipated that favour w<sup>ch</sup> you intend to them all at least, if not  
 "to all, in communicating unto them these images and representations of  
 "yo<sup>r</sup>selfe, wherein yo<sup>r</sup> freinds, and they that know you, may daily see  
 "and enjoy you; these being but the expressions and manifestations of  
 "yo<sup>r</sup> truly ennobled mynd. You [are] the modell and compendium of  
 "these; and those that are strangers to yo<sup>u</sup>, may in these gett the  
 "knowledge and acquaintance of you; and of themselves too, if rightly  
 "they will apply these rules: and all may learn the way to that hap-

" pines and felicity, w<sup>ch</sup> is the utmost end of all desire, and of all operations. And this, I am confident, is yo<sup>r</sup> purpose. Yo<sup>r</sup> thoughts and endeavors terminate not in yo<sup>r</sup> selfe, but are of a farre more large extent and latitude, ayming at the generall and publicke good of all. How you may bring profit, prosperity, peace, joy, and this happiness to all,—this I know is your study. Your meditations are bent upon this object. W<sup>ch</sup> blessed thoughts and cogitations in you, least I should too long interrupt with these empty lines, I will here conclude: heartily praying that you may long live, in the full fruition of this happiness you have discovered; that you may be happy in y<sup>r</sup> selfe, in the contemplation and exercise of all virtue; happy to yo<sup>r</sup> freinds and country, in the successful bestowing these yo<sup>r</sup> good directions, and blessed endeavours to raise them, and it, to that height of blisse. And happy may you be to all, when, the sunne of honor shining on yo<sup>r</sup> virtue, that shadow may attend it w<sup>ch</sup> is onely of price and worth to them that so account it: and amidst these, let me onely have the happiness, according to my ambition, to be esteemed y<sup>r</sup> most faithfull and truly loving freind and servant,  
THO: HATCHER.—Carby: 17<sup>th</sup> Dec. 1631." \*

The next friend to whom Eliot sent his completed manuscript was Richard James; and, his chief desire now, as it would seem, being to satisfy himself as to the propriety of printing it, I find, under date of the 15<sup>th</sup> of the following month, a letter from that learned person strongly urging its publication, and expressing briefly, but in striking language, the exact thought of the Lincolnshire squire. His treatise, he said, was a very good copy of himself, and such as he wished to see printed "for the use of our countrie." Peradventure it would raise them to some apprehension of equanimity, magnanimity, and justice; without which there could be no happiness in this life, nor assurance of the other. Sir John had consulted him on the question of putting it forth without his name, as to which he merely says that if his friend should be of mind to let it come forth silently, "the intimation of the author twice given may be easily altered;" and the remark seems to have led to the erasure of those passages. James closed his letter by allusion to some few notes of his own, calling them his

\* Port Eliot MSS.

"but momentary criticisms on the reading," which desired to go to Eliot by word if they might, or otherwise by what hand he pleased. And so, all there blessing and saluting his noble courage, he rested his faithful servant.\*

A detached paper in James's handwriting among the Port Eliot MSS. contains evidently the notes in question, which we may assume, therefore, that Eliot preferred rather to receive in writing than at an interview. They are worth subjoining for their curious evidence of what D'Ewes, in his intolerant puritanical way, calls the writer's "atheistical profane way." A comparison with the treatise as finally transcribed shows that Eliot had paid some attention to them, but not much.

"Monarchie to(o) much extolled.

"The disquisition on Tacitus's definition impertinent, it being but the flatterie of tyrants (fol. 21).†

"David and Solomon not to be stiled the best or wisest of princes.

"Jewish examples to be warily produced (fol. 25) ‡

"Augustus not to be commended. He was a villaine : so lived, so died : guided by the gourmand A<sup>nas</sup>, and would not heere Agrippa" (fol. 25).

\* MSS. at Port Eliot : "15th Januarie. To my noble friend Sir Ihon Elyott, give theise."

† James's objection seems hypercritical, inasmuch as Eliot had distinctly guarded himself against misconstruction in the passage by stating its intention to be simply expository of the origin of the deference to princes. I give the original : "In His love, in the immense depth and vastness of that sea of love, in God's high providence foreseeing that (as of old tyme with the Israellites), under the terror of His commands, the thunder of His justice, men could not heare and live, Hee was held to have prepar'd a medium betweene them, a Moses to be the keeper of the Laws, a delegate, a substitute for administration of the government. And soe even Tacitus did approve them, *instar dei esse*, not only as His deputies and Vicegerents, but as the image of His majesty and the figure of His glory among men. From whence cometh also that of St. Paul in willing every- sowe to bee subject to the higher powers, since there is no power but of God, and the powers that bee are ordained of God." There is no opinion of his own in that part of the treatise.

‡ The passage objected to still stands : "Let David and Solomon be examples ; David the best, Solomon the wisest of all princes : " Eliot giving the scriptural authority in his margin. The second allusion to Solomon as the "wisest of all mortals" stands also unaltered ; and in like manner Eliot had refused to give up Augustus, whose eulogy remains.

"*Tibi soli peccavi.* (pag. 36) because he had committed a politick murder in which he stood cleere to men.

"Religion, as it is usually taken for profession of these or those articles, is no anchor of state.

"The secrett of government, *arcanus imperii*, not to be named: 'tis a word of tyrannie. In faire governments all is cleere and open (fol. 74).

"Solomon (pag. 75) 'that was the wisest of all mortalls.' No. That amongst the Jews is so reputed.

"The discourse concerning the philosophers not much pertinent to the Treatise; they being for the most part, to their private ends, politick impostors, and so fam'd by Plato. Otherwise trust in so much as concerns a politicke bodie is ever open and cleere (pag. 77).

"Fortunat unfortunat peice of meritt (pag. 150). *Aliter dicend.*" \*

This kind of objection, however, was not what Eliot had most to apprehend, in committing what he had written to a wider audience. Intimations of a fear from other and dearer friends had reached him, which he seems to have thought it needful to guard against. Had he not too much regarded from the same point of view, and placed upon a too equal footing, things human and things divine? Had not his tendency been throughout to lift almost to a level with the inspired wisdom, the mere wisdom of the heathen, and to build up his edifice of morality independent of God's revelation? To this fear he addressed himself in a preface for the reader, which, though not preserved with the transcribed copies of his manuscript, I discovered lately among his papers.† He well knew, he says in it, there were those who would variously dislike his tract, some for what it was, and some for what it was not. The politics, he knew, were a contradiction to some who only loved their like; but

\* It seems doubtful whether James would have had the whole passage otherwise expressed (it is that relating to Overbury, see *ante*, i. 30 and 605-6), or only the special words quoted; but Eliot, taking him in the latter sense, has deferred to his criticism by striking out "fortunat," a change of questionable taste. In the copy at Port Eliot the passage stands "that fortunat unfortunat peice of merit whoe dyed where nowe I live," but the pen has been passed through "fortunat," and in the British Museum transcript it does not appear.

† See *ante*, i. 582-3. In an appendix to my first volume will be found a general abstract of the treatise with quotation of many striking passages.

let reason contest reason, and truth decide on both morals also would be a scandal to others, who : nothing but divine. But in the latitude of his wisdom he had a full security against such ob Words without reason would fail to lead *him*. I not so narrowed in his thoughts as to conceive wide circle and circumference bore but one line : duction to the centre. He knew that all parts at their several measures, of the same property and ne that if they were direct, there was the like distar medium even for all ; and that from all they m through that, before they could reach the end. “ infinitely deceive,” he added, “ that would p “ us, from this lowe ground and station of the “ that by one salt and leape in the ordinarie and l “ way ther is an immediat transition into heaven. “ true, *that* is the end all ayme at. All our reve “ must tend thither ; there is no other period “ motions ; our great Sabboth shal be ther. “ preparation must precede it ; and that, and the “ weeke of our indeavors, must be heer. This w “ first accomplish before we attaine that rest. T “ all this lies the journey of our pilgrimage, the “ whereof takes the whole threed of life. The “ are the offices of the relations we are in ; and “ goes furthest home in these, comes neereft to th “ and to the promise annex to that condition “ formance. Now those offices lie not w<sup>th</sup>in one “ the lawe, but both ; according to the wisdom “ Maker, who putts the conservation of the crea “ part of the worship to himselfe.”

The peculiarity that distinguished Eliot's ha religious thought from those of the great body men whom he had led in the last parliament, he strikingly displays itself. Not in any manner re or depreciating those puritan beliefs and forms in all that then was best in England found develo

and which lay deep and fruitful in his own nature, he would yet have enlarged the base on which they rested, strengthened them by other alliances, and drawn to them an allegiance less exclusive and comprehending wider classes of his countrymen. It was indeed in some degree with this purpose he had written the work, of which, in the same remarkable paper I have been quoting, he proceeds to give brief account. Taking up his last position, in defence of the mixing up of things human with those that are divine, that the creator had put the conservation of the creature as part of the worship of himself, he states that thereon had been commanded those duties unto man, who, being prince of all, should of all have the principal observance. He then defines the duties themselves as implying that various service and necessity to our friends, to our families, to our countries, as respectively they might require it; the greater, as the more honourable, being still to be preferred; and lays it down that only in such order and completeness could be said to rest the entire fulfilling of the law. "That we faile not in this, through the treacherie of our passions or corruption of our judgments, in not knowing or not loving the right objects of our dutie, I have compos'd this Treatise, for a demonstration in some parts morall and politticall, w<sup>ch</sup> I thought usefull to that purpose. Wherein if ther be anie thing that delights thee, 'tis but thyne owne, made pleasant by thy sweetnes, as bees convert all humors into honie." Resuming thus his address or dedication TO THE READER, which formerly I have quoted \*, he repeats once more that in proposing to give his tract to the world he has yielded to the suggestions of others.

"If it seeme profitable in the least, 'tis thy great virtue makes it soe  
"A true embleame of that indultrie w<sup>ch</sup> from the driest thyme extracts

\* *Ante*, i 582-3. To which the reader is requested to refer for such further extracts bearing on Eliot's character and history as I have taken from his manuscript.



"juyce and moisture; and what is bitter unto others, renders meli-  
 "fluous in itself. If it have neither, conceive from whence it comes:  
 "where it was but a forme of recreation, not a businesse. And soe  
 "passing unto thee, having but spent thy leasure, ther's noe losse. Both  
 "I, and it, may be conversant in thy charitie; w<sup>ch</sup>, as we finde, *shall*  
 "*encourage us hereafter in other intentions that we have more serious for*  
 "*thy use, of w<sup>ch</sup> this onlie was a remission and noe more, a chorus, a*  
 "seane of entertainment in the rest and interim of the acts. . . .  
 "It travells with this bouldnes, not in the confidence of itself, but upon  
 "the invitation of some others.\* It is their errand that it comes in.  
 "If it transgress in this, their importunitie must excuse it. The exten-  
 "sion of my guilt, if it deserve that attribute thus to have made it  
 "publicke (for in private it offended not), is but the address† to thee.  
 "That bouldnes I assume; wherein thou hast a concurrence in the act,  
 "having free libertie to decline it. For w<sup>ch</sup> I hope that imputation  
 "shall not charge me, w<sup>ch</sup> cannot be w<sup>th</sup>out reflection on thy self; but  
 "as thou mak'st it thyne, thou wilt soe use it in favor and contem-  
 "plation of us both. Farewell."

Eliot's account is in all respects borne out by ex-  
 amination of the Treatise itself, to which I have given  
 many laborious hours, from which in another part of  
 this work I have taken many noble passages, and which  
 I shall here, as briefly as may be, describe in its general  
 design. Laying down the covenants and principles of  
 civil monarchy, he proposed to apply them, by analogy,  
 to the monarchy that man should exercise over himself.  
 His broad rule of politics, derived from the confluence  
 of all authority and reason, was, that monarchy was a  
 power of government for a common good and benefit,  
 not an institution for private interests and advantage;  
 and, applying the same in morals, he held it to be  
 possible so to rectify all the actions and affections to  
 the rule and conformity of reason as to establish, by  
 knowledge, a clear and firm habit and position of the  
 mind. That in his view was to be happy. Not in  
 greatness and honour, in riches or the like, was the elixir  
 of happiness to be found; but, with a mind clear and  
 firm, in any state or quality, and from the most simple

\* Eliot had written "friends," but erases it for "others."

† For "address" Eliot had written "dedication," afterwards erased.

being of mankind. "The mynde being brought to  
"that qualitie and condition, the facultie working on  
"the object, not the object on the facultie, there is in  
"any state, how mean or low soever, an equal passage  
"and ascent to that great heighth and exaltation."

How then was this clearness and firmness of mind to  
be attained? By knowledge and intentions uncorrupted;  
by counsel liberal and just; by actions rectified and  
exact; by scorn of accident; by a propitious and even  
course and constancy of life. If, by striking down the  
impediments that obstructed man's attainment to these  
ends, it was possible to reach them, was not the service of  
God implied therein? It was not for any man to doubt  
it to whom the wisdom and sublimity of the ancient  
ethics were known. "Their speculations in philosophie  
"doe preach divinitie to us and their unbelief may  
"indoctrinate our faith! Is it not shame that we who  
"are professors in the art, should have less knowledge  
"than those that never studied it? That their igno-  
"rance should know that of which our knowledge is  
"still ignorant, at least in the exercise and practice!"

Wherein was it that Seneca had placed the chief  
good? "*Deo parere*, to be obedient unto God, to  
"be obsequious to his will. *Hoc fac, ut viues*, was the  
"motto of the law. Doe this and live. Live in  
"all happiness and felicity; in all felicity of mind,  
"in all felicity of body, in all felicity of estate! For  
"all these come from him; he only has the dispen-  
"sation of these goods; and he that serves him shall  
"have the fruition of them all. This was the notion  
"of that Heathen, which, what Christian can heare  
"and not admire it? It strikes a full diapason to  
"the concord of the Scriptures, and concerts with that  
"sweet harmony! O let us then apply it to ourselves,  
"and make his words our works! Let us endeavour  
"for the benediction in the gospel, knowing these  
"things to be blessed, that we do them!"

Not then, as I have said, to replace religion by philosophy, but to call philosophy to the aid of religion, Eliot had written his treatise. The conviction arises irresistibly in reading it as of a latent consciousness in the writer that his active life was closed. To outward appearance he had failed in the immediate objects of his public life, and the final adjustment of civil monarchy still waited to be done. But here was another monarchy to be rescued and regenerated; other tyrannies to be overthrown, needing not the help that deserted him in the former struggle; a government to be established within every one's accomplishment; the monarchy of man. If he could show that the power was not denied to any one, so far by steady and persevering effort to overcome the temptations and weakness of humanity as to ensure his own proper self-government, he might feel that the unyielding purpose, the unquailing endurance, the unmitigated hatred of every form of oppression, which had sustained himself in his trials, though for the present unavailing against the tyranny that was degrading his countrymen, had yet found a way to reach and to serve them. So might they by example be taught that qualities of this kind, however weak for the time against superior power, had always within reach another sort of victory which nothing could baffle or subdue; and that, supposing the public struggles of the time to be attended by disastrous issue, it was not for man, with his inherent independence, to admit the possibility of despair.

To his friends indeed, as in what he had written for his preface to the treatise itself, we have seen that he disclaimed any larger design than that of whiling away the tedious hours of his captivity. He said it had been a rest to him from more serious labour; an intermission of recreation and repose from more important tasks, such, we cannot doubt, as the completion of his memoir on the parliament, and the collection and revision of his speeches, which we now know to have at the same

time occupied him ; but whether or not its graver purposes were designed consciously, they certainly give to it the character in which it makes present appeal to us. There are too many personal references in what he calls its " political " or opening portion, not to connect, as we have seen Hampden and his other friends associating, the philosopher of the Tower with the statesman of the house of commons ; not to lead us to the conclusion that the object of exertion was in both characters the same ; and that these exalted meditations were a continuance, under other forms but in the same intense expression, of the active energies of his life. If the impression be also correct that the gradually failing health which is to be traced throughout his imprisonment, though never actually confessed by him till near the close, forbade him to hope that those energies might ever find scope or exercise again, the desire could not but be strongly present with him to make some such final effort to obtain a hearing for what he had most at heart. And this would account for his readiness, not evinced by him as to any other of the works he was busy with, not even as to his tract on government or his memoir, to give effect to the suggestion of friends that he should print and publish this *Monarchy of Man*. For recreation to himself it might have been written, but it was to be published for the profit and example of his countrymen. An example to console them in temporary defeat ; to carry ardour and enthusiasm unhurt through hard and heavy trial ; to multiply their powers of resistance and endurance, by strengthening their moral purposes. In this view it completes and consummates his past exertions. His old brave fearlessness is in its inculcation of a perfect restraint and self-command ; and the rapid force and grandeur of his younger days is in the magnanimity of its moral composure, maintained through this last scene of all.

It was the subject of the closing letter he wrote to Selden. He had completed the transcript, and was then

about to entrust it, for the printer, to the hands of Richard James. But before finally committing himself he desired again to have the judgment of that learned and sagacious friend. Since Selden last had communicated with him about it, he wrote, he had been much importuned by letters from some others "to give more libertie to that Treatise w<sup>ch</sup> you redd." It was to satisfy the first desire of those others in the view thereof, he had recalled it from Selden so hastily; but to their next desire, for its publication, he dared not be so yielding without some better judgment than his own. "And therefore I once againe have sent it to yo<sup>u</sup>, qualified in some parts where yo<sup>u</sup> thought it tender and too quick." He desired him to read it as it then stood, if his time should have so much leisure; and to return him his censure thereupon, which he should take as an expression of his love, and by which he should direct himself.\* Selden's answer has not been preserved. In about a month after the letter was written silence falls upon Eliot's prison, and what afterwards passed is unknown.

Other thoughts and labours, however, had meanwhile occupied him there; and these claim to be described. He had turned from the appeal he would have addressed to his contemporaries to make other appeal in a matter more sharply interesting himself, but where he could hardly hope for his audience until a later time.

#### VI. APPEAL TO A LATER TIME.

Among the papers found after Eliot's death in his room in the Tower was one bearing the endorsement *An Apology for Socrates*, with these words underneath: "An recte fecerit Socrates quod accusatus non responderit." It was the piece of writing that seems last to have occupied him; and if his friends could have doubted his design in raising and answering such a question in

\* MSS. at Port Eliot, 21st February, 1631-2.

those last hours, the words written within the paper removed all doubt: "Upon a Judgment in y<sup>e</sup> Court of King's Bench against y<sup>e</sup> privilege of Parl<sup>t</sup> on a *nihil dicit*. 5<sup>th</sup> Car."

The Socrates as to whom enquiry was to be made whether he had acted rightly in not replying to his accusers, was not an Athenian but an English philosopher. The name was a mask, which there was no attempt to disguise or conceal. The design was to ask from a later age, when the writer should be no longer accessible to praise or blame, the justice denied in his own. No immodest comparison, we may be sure, was intended by the choice of a name so illustrious. It was taken simply as that of a man who had been the subject of an unjust accusation; who, on being called to plead or defend himself, told his accusers that, so far from having offended against the laws, he had done nothing for which he did not think himself entitled to be rewarded by them; who took his sentence with uncomplaining calmness; and to whose memory a succeeding time offered late but repentant homage by decree of a statue to himself and of ignominy to his accusers.

There can be no doubt that in the early months of 1632 a great pressure had been put upon Eliot by some of his friends to induce him to make such concession on the point of good behaviour as might render possible a compromise of his fine and open some way to his release. At this time, all who had shared his imprisonment, whether by order of the king at the dissolution of parliament, or by sentence of the judges subsequently, were at large;\* under various pleas and pretences, some

\* There had been, both in Michaelmas and Hilary terms, a show for renewal of Selden's securities and for extortion of Long's fine, but the proceedings came to nothing; and the not very hostile spirit that animated them, in the case of Selden at least, may be read in the remark made by Pory to Puckering (Birch Transcripts, 26th January, 1631-2) that "it is thought that, in *summa summarum*, he will be called to be the king's "folicitor."

consideration having been extended to all. Even Walter Long, who before had been let loose to attend his wife's deathbed,\* and afterwards, upon his own petition, to visit his "motherless, fatherless, friendless children," was at length released. Very opportunely also, there had befallen Heath's resignation of the attorney-generalship, and the appointment to it of Noye; who, having taken as strong a part as either Selden or Eliot in the events that led to the scene of the second of March, appears to have been really anxious to promote the release of those quondam fellow agitators. But, though Selden consented to go free upon his personal guarantee to appear when called upon; though Valentine showed no indisposition at last, as Eliot expressed it, to knock at the "back door of the court;" and though the hangers-on of the court, noticing the rumour of an approaching parliament, were fain to speak of it as no unpleasant probability "now that Noye and Selden are come on our side, and the rest of the rebels will be glad of worse conditions;"† the person who comprised in himself that "rest of the rebels" still steadily refused every form of compromise involving a concession to his judges. Also believing that a parliament would come, he would suffer no point of its privilege to be in his person surrendered or betrayed.

In these circumstances the "apology" was written; and we learn from it that what in connection with them had caused most pain to the writer, was the tone taken by old associates against this continued refusal. It was difficult to bear such reproach, because impossible to answer it without assuming in turn the censor's office, not merely against renegades he despised but against friends whom he esteemed; and it was this which seems

\* MSS. S.P.O. April, 1631.

† MSS. S.P.O. November, 1631. Letter of News (Signed S.) to the Embassy of Sir Henry Vane.

to have determined him, in drawing up a final statement of his case, to divest it in outward seeming of any directness of personal allusion, by writing as if in defence of one who belonged to another country and a distant time. But the mask was not for concealment, and was worn so that any might uplift it.

He began by imagining a period of which the piety and justice might be such that men would be willing for Socrates dead to hear the apology which living he declined, and to receive for his memory a defence why he defended not his innocence. He assumed himself to be addressing an assembly of the people in whose eyes the memory of the dead philosopher, for services rendered to them, had been so precious "that through all these mists and clouds w<sup>ch</sup> have obscured it" they had kept it still in view. He knew at the same time the strong opposition he might expect on the ground of the accused having declined to answer the accusation against him, by pleading to the jurisdiction of the judges, and denying their authority. In that, many crimes or delinquencies were supposed.

"First, a defection from the law in declining of her process; next, "a contempt of justice in not submitting to authority where a rule and "judgm<sup>t</sup> did command it; then a defection of his innocence in exposing "that to scandal w<sup>ch</sup> yet no good man will suspect—the purity of his "judges; and last, a betraying of y<sup>r</sup> liberties, that inestimable jewel of "y<sup>r</sup> rights involved in his cause, by his silence becoming a traitor "thereto! All these crimes are charged upon this one act, or rather "this neglect, that he did not answer. Wherein the detraction of his "enemies, the malice of his accusers, the cunning of the informers, the "corruption of the judges (*Melitus litem qui intendit, Anytus qui desulit, "Lyco qui proposuit*), and the rest do all concur in this, to deprave his "work, to heighten it to these crimes, to make him guilty of offence "whose offence was only not to have been guilty, and by the condemnation of his virtue to raise a justification for their vice! To encounter all these powers, I know, is a work of difficulty."

A reply to the imputations, however, he thinks, will be best afforded by stating the nature of the charge and



of the defence; and here we learn who were the Lycon, Melitus, and Anytus of the later Socrates. He was accused, says Eliot, to have spoken divers things in senate: divers things by way of grievance and complaint; "some things against Melitus, who after was his "judge" (Hyde, the chief justice); "some things against "Anytus, who had the prosecution of his cause" (Heath, the attorney-general); "some thing against Lyco, the "informer, from whom the delation did proceed" (Finch, the speaker); "and others of that leaven, but "all shrouding under the canopy of the state, all casting "themselves within the protection of that buckler, and "there fighting with our Hector as Troilus under "Ajax." But what he had thus alleged for impeachment of their own malpractices, they turned into sedition against the government. The state they were permitted to make one with their own exorbitance and enormities, and they translated into slander against the commonwealth the complaints against themselves. And what was the reply?

"To this Socrates did plead the privilege of the senate: that no lesser court had jurisdiction in that cause; that from all antiquity there had been a constant possession of y<sup>t</sup> right without any violation or impeachment. Divers reasons and authorities he produced for the clearing of that interest. That tho' all things had been true, as they were given in the suggestion; and Socrates *bad* been faulty; tho' to the outward substance of his actions, that inward form and finiter intention *bad* been added; yet he was no way punishable, no way questionable but in that court, and by that judgment of the senate, the sentence of that place, where no delinq<sup>t</sup> c<sup>d</sup> enjoy impunity so long to be *elsewhere* obnoxious to a question."

The chief authorities in support of that plea are then cited. They comprise the claims of the senate to such privilege as their birthright; the resolutions of the judges, the allowance of princes, the laws and statutes obligatory; and finally, those reasons so binding on the individual conscience that however, *in foro judicii*, a senator might be free to put in other plea, *in foro con-*

*scientia* he was bound to decline every other. Upon this Eliot dwells with great emphasis, as rendering impossible in his own case any deflection from the course he had chosen. Though others might otherwise determine it, he says finely, Socrates had no alternative but to insist upon the privilege, and to preserve that public right. For there was something that told him still in private, "in the cabinet of his heart," that senators were entitled to it; and that, for all time to come, he should do them wrong by admission of the contrary. Whatever others might have done, therefore, *he* could do nothing in violation of that duty. By any such act of prejudice or violation he should stand for ever "obnoxious to the senate; and so, by declining the danger of that time, *wh<sup>ch</sup>* might have reparation in another, incur the censure of another, *wh<sup>ch</sup>* could have reparation in no time."

Into some particulars and details of the precedents so binding, he next enters. He shows the claim always made by the senate itself for such immunity, not as of grace but right, and its as constant concession by the princes; repeated in all ages, at the opening of all their meetings;\* that if in such assembly any offended, they should in that place only be punished; and that for matters there agitated or done no arrest should be, or least impeachment of the person, much less any judgment or question involving life! Still had this, beyond memory to the contrary, been granted and allowed; not merely as the proper right of senators, but the common right of Athens, derived by inheritance from their fathers, the founders of their greatness; and if such use and custom, which in other things was held to create a right, were not sufficient in this to confirm it, it needed but to turn to the ancient "rhetra of the laws" for absolute assertion thereof. Whereupon he adduces,

\* In the margin he has written: "Protestatio prolocutoris semper in principio senatus."

from rolls of the English parliament,\* those statutory proofs, adding to them the famous protest of the eighteenth of James; and he winds up with quotation of the ancient resolutions of the judges, whom, with a bitter reference to their modern successors, he styles "the judges of old time, those worthily called JUDGES, "whose wisdoms and integrities preferred THEM where "they were!"

What course then, he asks, in view of all this, was open to Socrates, excepting that which he had taken? With not only reason to excuse him, but authority commanding him upon the peril of his judgment and what might follow the violation of his duty, how could he concede to an inferior court the power of controlling its superior? "Oh, Athens! what greater danger unto "him than a violation of this duty? what greater obligation than his conscience? Both were so bound to "this one act, that, to secure himself in either, his silence "was enforced." There was also another consideration. Not only were all the authorities decisive against his liability to be questioned outside the senate-house for any bill, speaking, reasoning, or declaring therein, but there was equal weight of precedent and law against the power to question him from within the senate-house itself. And here he has further allusion to the three men who had been most active against him; quiet, but very bitter.

"The provision therein is not only for security from abroad, that he "be not elsewhere questioned for matters done in senate, but likewise "from within! That no information be against him, no intelligence do "pass upon the secrets of his judgment, and what overtures he makes in "the assembly of your council for the public service and advantage! "That there be no discovery made upon him! And this, as it binds "up others not to discover him, engages him both for himself and others

\* In the margin here we have references from the English records in verification of statements in the text, comprising all the authorities appealed to in the argument printed *ante*, 550-553, and which it is not necessary, therefore, here to repeat.

" not to discover them. For it recites that some to advance themselves  
" had given intelligence of certain matters moved in senate before they  
" were there accorded, and so caused a particular dislike ag<sup>t</sup> their fellows  
" and a general prejudice to the public proceedings of that council ;  
" therefore it enacts, to prevent that evil in future, that none sh<sup>d</sup> so in-  
" form, and that no faith or credit sh<sup>d</sup> be given them if they did.  
" Wherein (*as the justice of Miletus is apparent that received the infor-*  
" *mation ag<sup>t</sup> Socrates ; and the integrity of Lyco that informed him ;*  
" *and the office of Anytus that accused him*) the duty likewise of Socrates  
" is expressed, that he might not make discovery of those passages, that  
" he might not open what had been in agitation in the senate, and  
" therefore c<sup>n</sup> not answer when his answer must imply the intellig<sup>ee</sup>  
" of those secrets."

Silence, therefore, was the only alternative. " He  
" made his end in silence. And now, whether in that he  
" were guilty ; guilty of the crimes objected to him ;  
" guilty of any ; guilty of all ; whether that whole  
" stream of malediction fall worthily on his memory, or  
" any drop of it be justly allowed to stain him, now that  
" he is dead ; is the question you have to determine."

To help in determining it, Eliot takes the charges in  
succession. The first was, that, by not answering, Socrates  
made a defection from the law in not conforming to its  
process. But no process could require a performance  
imposing an impossibility ; and if to that it were urged  
that " either this must be done, or that ; either the im-  
" possible thing commanded, or the submission of the  
" party by rendering of his person to the discretion of  
" the law ;" then might Socrates answer that by his suf-  
ferance, his imprisonment, and his death, he made expia-  
tion of that guilt, and was free from that defection.  
But this was to take the issue on a ground too narrow.  
Socrates had not the mere forms of justice, but justice  
itself, to warrant his silence and retention. He had the  
general authority of the law to meet the particular  
process against him. Where the alleged offence was  
done, there only could it be complained of ; and there  
only, if need were, corrected. There and nowhere else,  
said those resolutions of old time ; there, and not by the

judges, as those old judges confessed it ; never, as those ancient declarations avowed, never in courts inferior, but in the senate only ; were those actions of the senate to be determined. *Par in parem non habet potestatem*, the law declared ; and if not an equal on an equal, much less an inferior on his superior. How could there be defection from the law in keeping constant to that rule ? Did it imply a disobedience to the form that the matter and substance were retained ? Was the process neglected when the law itself was followed, and an exact observance was performed ? Could the lesser challenge duty and obedience contrary to the service commanded by the greater ?

“ Here the greater did command him not to answer, nor to make submission of his cause ; the cause and interest of the senate, y<sup>r</sup> cause, y<sup>r</sup> interest, O Athenians ! y<sup>e</sup> right and title of y<sup>r</sup> fathers and not the cause of Socrates ! But, as he was a member of y<sup>t</sup> body, the greater I say did command him not to answer ; nor to make submission of his cause to the less ; to the inferior authority of the judges ; and to not to obey their process ! Therefore in this he made no defection from the law, nor is faulty and guilty of that crime in which he stands suspected.”

Such was the first charge. The second was that of a contempt of justice in not submitting to the authority of a judgment and sentence. Where there was a ruling of the judges, it was said, an obligation to answer was created ; or in other words, a judgment was higher than a process of law. But was it really so ? Was the denunciation of a court of more authority than its writ ? Why, the process was the authentic act of the old law, the judgment but the word and sentence of a man ; the writ was the letter itself of justice, the sentence but the opinion of the judges ; and let any man say which was the greater. Judgments might err ; men might be deceived ; many fallacies were incident to opinion : but justice and the law were still certain, and there was, or ought to be, no variation in their rules. The sentence of the judges, therefore, could not be

more valid than the authority of the law ; and what in this case was the inevitable consequence of disregarding the one and conforming to the other ? In the masterly and interesting passage that follows, will be found further very striking reference to the opinions and conduct of Hyde.

“ Weigh it as the public cause of Athens, not a private interest ; as  
 “ the right and title of the senate, not only as the question of Socrates ;  
 “ and then it will appear what contempt he has committed and how far  
 “ he is faulty ! The cause, you know, was the privilege of the senate.  
 “ To the maintenance of that privilege, besides the common tie of all  
 “ men, he had a special obligation : both for the trust committed to him,  
 “ and his particular duty to that place. If then, by conforming to the  
 “ judges, he sh<sup>d</sup> have done any thing in prejudice of that privilege, it  
 “ must have been a violation of the general and particular obligation  
 “ w<sup>ch</sup> he had, and so a forfeit of his duty. Now, that the conform<sup>s</sup>  
 “ to the judges had been a prejudice of y<sup>t</sup> privilege, as ’tis apparent in  
 “ the resolutions, is most pregnant in the statutes that were cited :  
 “ wherein there ’s not only a declaration of y<sup>e</sup> right, but an injunction  
 “ laid on the accused that he shall not discover the passages of  
 “ senate, whereby he cannot answer to the question of those things,  
 “ since the answer must discover them ! This for the right and the  
 “ duty of our Socrates ; the discharge of w<sup>ch</sup> admits of no contempt ;  
 “ for good and evil have no competition. The consequence is yet of  
 “ far greater observation ; more pressing on the point ; more binding  
 “ unto him. For, by granting this, he must grant all. By submitting  
 “ the privilege in this case, he for his part must submit it in all others.  
 “ All business of the senate he must yield to the jurisdiction of the  
 “ judges ! They admit their authority upon this. All secrets of that  
 “ council w<sup>ch</sup> shall be treasured in his breast must be open, if they have  
 “ this power and influence on his person. For the question only gives  
 “ intelligence of the fact ; and, before examination, there can be no  
 “ distinction made of the difference of causes. All, secrets and not  
 “ secrets, are the same before they are truly known ; and there is no  
 “ knowledge but by trial ; w<sup>ch</sup> trial makes an openness and discovery ;  
 “ and thus all the secrets of the senate, w<sup>ch</sup> were involved in the charge  
 “ against Socrates, must be subject to the judges ! The most intimate  
 “ councils of that conclave obnoxious to their censure ! They, w<sup>th</sup>  
 “ the least pretence, might question them ; not taking knowing of their  
 “ nature. And by that question the accused must discover them. For  
 “ what he had once admitted, he c<sup>d</sup> not afterw<sup>ds</sup> retract. W<sup>ch</sup>, what effect  
 “ might follow it, what operation it would have, what danger to our  
 “ Socrates, what danger to the senate, what danger to this state, I refer  
 “ it to yo<sup>r</sup> wisdom, O Athenians ! who will remember that yo<sup>r</sup> whole

“ felicity and happiness has dependence on that council, as the honor of  
 “ the accused on his integrity. Can it be thought, therefore, a con-  
 “ tempt in him ag<sup>t</sup> justice, to have insisted on this privilege? Can it  
 “ be thought a guilt not to submit this right? Can he be faulty to  
 “ have preserved his duty to the senate, his duty to the country, the  
 “ neglect whereof did threaten so much danger unto either? If this be a  
 “ contempt, let all men then be guilty! To preserve the public right,  
 “ to support the common safety, let all men so be guilty of contempt!  
 “ But, further, if there had not been this necessity of privilege; if  
 “ nothing but the importance, as ’twas the cause of the senate, had  
 “ been obvious unto Socrates; c<sup>d</sup> Socrates, w<sup>th</sup> the safety of his judgm<sup>t</sup>,  
 “ *have submitted it to Miletus*—he who had said, who had said pub-  
 “ licly to Socrates by way of overture in that court, that the senate  
 “ had no privilege; that it had no power of judicature; that it only  
 “ c<sup>d</sup> make laws; and had no proceedings but that way, no power of  
 “ execution. C<sup>d</sup> Socrates, w<sup>th</sup> the safety of his judgm<sup>t</sup>, have made  
 “ submission of that right *to him that so little understood it?* Socra-  
 “ c<sup>d</sup> not submit the cause of the senate to such judges! Reason of the  
 “ persons, if no other were objected, were in this case sufficient to excuse  
 “ him, and to acquit him of that guilt!

After this the third charge is discussed, which we may suppose that here and there even friends had preferred, whether Socrates, by not answering, had not in effect deserted the protection of his innocence, and exposed himself to scandal. And here the tone assumed by Eliot shows the confidence he felt in the future right appreciation of his sufferings and his motives. Writing at a time supposed to be distant from the date of his death, he takes at once for granted that his innocence had become plain beyond further doubt or exception. “ The truth in this was too subtle for his adversaries, even thro’ their malice. Sallying to defend him, what was pretended for a charge must be an apology, and what was objected as a crime must be a point of merit. Oh, truth! great is the wonder of thy virtue. Even above all things thou art strong! Because Socrates did follow thee, thou wilt follow him: because he was thy servant, thou hast so commanded it that his enemies sh<sup>d</sup> serve him.” But reverting to his own time, he argues that so far from deserting his innocence by leaving it unprotected to his enemies, he

had most religiously maintained it. His innocence he had proved by his suffering, and in his blood had been written its characters for posterity! For, he added finely, innocence was not the opinion of the many; not the reputation of one act; not the freedom from some guilt; but it was a general virtue and integrity, a spotless faultless course in the faithful execution of all duties, a discharge and performance of all offices, in which the greater still was to be preferred before the less. A very striking passage succeeds.

“ Now in this duty of our Socrates, where the public interest was in question, no peculiar, no private faculties of his own might be brought in competition! If his reputation had depended on that act, where the public right of the senate was in counterpoise, the scales must not be turned to his honour ag<sup>t</sup> the public and greater interests of the senate! Nor could it be a prejudice to his virtue to move *in ordine*. To the public he was bound to prefer that greater right. His virtue did oblige him to the observance of that duty. It was his innocence not to decline this office, not to decline the public good for the advantage of his private. This will justify him, if it be truly weighed ag<sup>t</sup> the strength of all opposers. But, perchance it will be<sup>d</sup>, ‘ all men are not capable of this, all men have not the apprehension of this duty; but all men know the information that was made, the strange ‘criminations ag<sup>t</sup> Socrates; and Socrates, in this judgment, makes himself guilty of them all by refusing of his answer, and so *deserts* his ‘innocence.’ To this I must reply that tho’ all this were true, yet it were no reason for his condemnation. For if all men sh<sup>d</sup> so think, y<sup>t</sup> Socrates were not innocent, yet it must not move his virtue *rather to seem than be*. It must not be a satisfaction unto Socrates *that men do think him innocent*. He must be so, whatever men do think him! Heaven and his conscience must give testimony. For him those two must justify his innocence tho’ all the world condemn it. But here is no such thing in fact, that he is so doubted. He is not obnoxious to that danger in the true state of the cause. For, as all men know how Socrates was charged, all men know the reason why he did not answer: that it was for fear of the public privilege and prejudice, and not in jealousy of himself, that he exposed his fortune and his person to preserve the right of the senate. That he prized not his safety as the liberty of Athens; that his life was not so tender as his innocence; therefore, that reason will not maintain the charge w<sup>ch</sup> most unjustly is so laid to accuse him *as forsaking, what by all study and endeavor, by exposing of his fortune, by exposing of his person, by his liberty, by his life, he laboured to preserve!* C<sup>d</sup> there be greater in-



"nocence than herein he did exprefs? Can there be fuch an argum<sup>t</sup> for him as this? It were enough to answer all accufers, all crimes, all charges, all objections! Herein he might flop the mouth of all detraction, and give full fatisfaction of his innocence. An innocence for the admiration of all others, and for the imitation of you, O Athenians! And yet may Socrates glory in this act, and triumph over his enemies. For, by this one virtue, by this fole innocence, he hath overcome them!"

The point in the laft charge which Eliot proceeded next to repel was that which evidently he felt moft deeply. This was the imputation that would have made him accountable as for a wrong to the public liberties for which he had facrificed fo much; and it was embittered by the circumftance that old associates, men affecting to fpeak in the intereft even of parliament itfelf, had not fcrupled to join in it.

"But yet they do impute another crime to Socrates, and, failing in the reft, they would make him traitor to y<sup>r</sup> liberties! To you, O Athenians, they w<sup>d</sup> make Socrates an enemy! In yo<sup>r</sup> right and privilege they w<sup>d</sup> render him a traitor! What he was moft affective to conſerve, *that* they w<sup>d</sup> make him moft effective to deſtroy! In not conſent<sup>s</sup> to the jurifdiction of the judges, they do ſuppoſe him guilty of enlarging their authority; by deny<sup>s</sup> it in one thing, to give it them in all; to force them to aſſume it in the particular of his cauſe, and by that aſſumption to create a preced<sup>t</sup> for the general. This charge is many ways improved, and by variety of inſtruments. Thoſe that are his enemies delate it, to divide him from y<sup>r</sup> favours. Thoſe that were his judges uſe it, in extenuation of the ſentence. His accuſers, his informers, and a generation worſe than theſe, *his ſeeming friends* and *associates, who pretend nothing but zeal in the public cauſe and intereſt, but intend only their private avarice and corruption, theſe alſo, but moſt of all, theſe laſt, diſſuſe this ſcandal ag<sup>t</sup> Socrates; and, to cover their envy unto him, uſe the pretext and colour of affection to y<sup>r</sup> ſervice."*

With ſome reluctance, not unnatural, Eliot undertakes gravely to defend himſelf for having compelled his judges to aſſume a power which but for his reſiſtance might have lain unclaimed. It would need, he ſaid, but a brief recital of the order of the cauſe to ſhow that the jurifdiction was not aſſumed under preſſure, but by voluntary act of the judges; and as he ſtates the facts, the argument that ariſes on them is unanswerable.

" Socrates being charged for matters done in senate, pleads the privilege of that council, and therefore proves his cause not subject to their cognizance. The judges make a resolution ag<sup>t</sup> this, and determine upon him that there is no such right in the senate, no such privilege for him. So as in this, they made a decision of that question and conclusion of that right, w<sup>th</sup>out his help, nay contrary to his labour; and assumed that jurisdiction to themselves. So that what followed was but the consequent of this; the judgm<sup>t</sup> given on Socrates being but an effect of that prejudice to the senate. The privilege being denied in their first act, y<sup>t</sup> assumption was their own. For the next was merely the single cause of Socrates, wherein *the fact* only was considerable, *the right* wholly being determined in the former. And therein he was not guilty of necessitating their judgm<sup>t</sup>, but that prejudice was merely of themselves; a voluntary assumption in that case; an affected entrance and invasion of the privilege of the senate."

It was idle to say, then, in presence of these facts, that what all the doing and suffering of Socrates were directed to prevent, they had really made matter of necessity. The direct contrary was manifest. If he had answered, admitting the jurisdiction, the judgment must have turned wholly on the privilege, whereas by not answering he brought it only to his person; so that what otherwise would have been a new conclusion on the privilege, became simply a judgment on the man. But even supposing, that, while suffering and doing all to the contrary, he had nevertheless enforced the judges in the particular case to prejudice of the privilege, would that particular have concluded generally for all others? Would that instance have created a right in the judges?

" Examples are no rules; nor errors their examples; but what becomes a precedent, must have both use and right; right for the foundation and original, and use to shew the superstruction and continuance. *Non firmatur tractu temporis*, say the old lawyers, *quod de jure ab initio non subsistit*. And as the new, all right has being and subsistence by use and acceptance. Therefore, tho' Socrates had enforced that action on the judges, that act w<sup>d</sup> not conclude their jurisdiction in all others. Nor c<sup>d</sup> he therein be guilty of that crime of betraying of y<sup>r</sup> liberties; nor w<sup>th</sup>out impiety may be thought, as was suggested in the charge, a traitor to himself, a traitor to the senate, a traitor to his country. You have heard how much he did to pre-

"serve the public interests; you know how much he suffered to preserve his innocence therein!"

The close is very affecting. Speaking of the sufferings, "the passions" of Socrates, he checks himself. To him only were known all the secrets of the prison in which the Socrates of whom he wrote was immured. At the time he was writing, an order from the council had finally debarred future access from his friends; and the end, though perhaps he knew it not, was very near. But less of himself than of his countrymen he was thinking then. "Should I enumerate his passions I should renew your griefs. I should wound you, O Athenians; I should pierce the soul of your affections with his memory." He would not, therefore, tell them what their Socrates had suffered. What he suffered in his fortune, what he suffered in his person, in his liberty, in his life, he would not relate. "To be made poor and naked; to be imprisoned and restrained; nay, not to be at all, not to have the proper use of anything; not to have knowledge of society; not to have being and existence; his faculties confiscate, his friends debarred his presence; himself deprived the world; I will not tell you all this suffered by your Socrates, and all suffered in your service; for you, most excellent Athenians, for your children, your posterity; to preserve your rights and liberties, that, as they were the inheritance of your fathers, from you they might descend to your sons." But though he sought not to move their sorrow for him of whom he wrote, he craved their justice. Of defection from the law, of contempt for authority and justice, of desertion of his own innocence, of a betrayal of the public liberties, Socrates had been accused. Was he guilty? Or had he proved his right to have preferred to die, with refusal to admit the jurisdiction of his judges, rather than to live, with such concession to an unlawful power as might have challenged and obtained their pity?

The appeal was heard, and the answer given, far sooner than Eliot might have looked for in the gloom that surrounded him; at the time apparently more hopeless from some gleams of hope which had preceded it, and which it must be now my task to endeavour to describe before the darkness finally closes in. Our steps have only to be retraced to the opening of September 1631, a few weeks previous to the time when the Apology for Socrates was written; and from this date the story of Eliot's life, as written in the letters left behind him in his prison, will without interruption proceed to the end.

## VII. GLEAMS OF HOPE.

During the last four months of 1631, unusual excitements prevailed in London. It seemed as if then the people first saw the full effect of the victories of Gustavus Adolphus, and had become conscious that, from the lowest point of suffering and loss to which the Protestant cause was reduced in Germany, God had raised up suddenly a deliverer in the Swedish king. Out of the very deeps of darkness the "Lion of Midnight" had arisen. In a few months he had beaten down the army of the emperor, and had turned the tide of battle against the Roman-catholic league. The exultation that began to show itself in England found nevertheless little welcome within the precincts of the court. Of the great occasion opened to them no sense was shown by Charles or by his councillors. The recent deaths of Sir Humphrey May, Lord Pembroke, and Lord Conway, and Lord Dorchester's failing health, had removed from the council the only influences at all opposed to Laud's or Weston's, who were filling or soon to fill their places with creatures of their own, the Cottingtons and the Windebankes; while for the present, strongly reinforced

by Wentworth, and not as yet resisted by Holland or Carlisle, they were all powerful at Whitehall. To them "the "dragon king," as Carlisle called him,\* seemed, hardly less than to his enemies, an object of terror; and they deprived of his office, and sent into retirement, the only English diplomatist who had given real help to the hero. "The brave king," wrote Sir Thomas Roe from his retreat, "is doing good for us against our wills."†

Eliot's earliest reference to his victories is in a letter to Sir Thomas Cotton, Sir Robert's son, who since his father's death had opened earnest correspondence with his father's imprisoned friend. First he tells him of a late mortality among the judges. Hyde made his end last week, and now they said (but it was not truly said) Richardson had followed him. The liberation of his old associate, William Strode, had preceded it, and whether it had an influence therein he knew not; but there was so much labour saved. And then, with an eager suppressed exultation, he referred to the "worke abroad." No contradiction had been heard to the reports of Sweden. They were true! Hope and expectation they had aroused everywhere; "*trouble, I think, with some*"; but his "fortune speaks him beyond the power of envie. I dare not pray in letters, knowing not how dangerous "it may be, but"—Sir Thomas Cotton was to supply the blank; and among the friends for whose felicity at least he might pray, he should ever reckon the son of his ancient comrade and master.‡

And here it will be proper to complete my picture of Eliot's friendship with Sir Robert Cotton, by mention of his last tribute to the great antiquary he loved so well. Deep down in the English mind lies rooted a regard to the past; a reverence, love, and worship for it; a disposition to be guided by its precedents, and a desire to find

\* MSS. S.P.O. Carlisle to Vane: November 1631.

† MSS. S.P.O. Roe to Netherfole: December 1631.

‡ MSS. at Port Eliot: 1st September 1631.

written in them the ways and the will of God. It is the one grand characteristic impressed most visibly on the struggle led by Eliot which these pages have recorded, and it stands out most prominently in Eliot's own character. His affection for Sir Robert Cotton was a part of it, and it gave its meaning to the language he now employed to do homage to his memory. The rolls of antiquity which Cotton had laid open, the manuscript records he had discovered and collected, the statutes of the past he had made accessible, were the arms with which the battle of the parliament was fought; for that reason he stood out always to Eliot as its very leader and champion; and now, on receiving from Mr. Hughes a sermon preached upon his death, this was the tone in which he spoke of him. What his affections were upon the loss of their dear friend, he wrote, fully were expressed in that discourse by Mr. Hughes. "He that was a father to his countrymen, chariot and horseman to his country, *all that and more to me*, could not be but sorrowed in his death: his life being so much to be honoured and beloved. But that great losse to us has a compensation in his gaine; and it must give a termination to our passions who were profest his friends, that in our lamentations for ourselves, we seeme not envious towards him." He then explains why it was he had not earlier written to Mr. Hughes of this sermon preached at the celebration of the funeral. When it arrived it had been indeed so welcome to him as to prevent the instant answer of the letter that conveyed it, and the present thanks then due. "It being a commemoration of my friend, and my friend in that speakinge againe unto mee by the sweet voice and dialect of his virtues, striking a monocord to the pure harmonie of the heavens, who could deferr that conference? I must confesse my weaknesse in that point. As children oft runn hostile to their long-wanted parents, soe moved my love in this; and I doe hope y<sup>e</sup> to pardon or excuse it." Then

follow very earnest thanks to the author of the discourse, for having done *him* right, and not beyond it, "whoe first did give me the acquaintance of yo<sup>r</sup> worth, from "whome I nowe receive this monument of his virtues." And thus may close, not inappropriately, the record here preserved of a friendship worthy of all noble memory as long as England lasts.\* For services to her, both the friends had been struck down; and, not less quickly than the child of whom he spoke in that tender eulogy, Eliot was hastening now to rejoin his so-called father and master. But his spirit, clear and hopeful still, though calm and constant, looks keenly to the last from his prison for what the time may bring.

A fortnight after writing to Sir Thomas Cotton, he was in the same strain writing to his friend Thomas Godfrey, of the news abroad. Enough even of miracle he thought there was in it, both for their praise and wonder. "These successes of Sweden and the States "show Him that is invisible!" Very pregnant, too, were the signs of its influence working elsewhere. Then, veiling with a quiet humour his pride in the continued resistance of his own county to the illegal exactions of the court, he described the result of the commission for knighthood-compositions in the west. "My countie "was much urg'd to composition as before, but their "povertie or ignorance has withheld them; *I am loath "to impute it to ill-nature.* But whatever be the cause, "*not one was drawn to yeild.*"† There is little here to offend, but still less to satisfy, if the letter should be intercepted and opened!

\* MSS at Port Eliot: 19th February 1631-2. For previous notices of this memorable friendship, see *ante*, 100, 109, 329, 375, 389, 418-20, 506, and i. 411-414, &c. &c.

† MSS. at Port Eliot: 19th September 1631. Some personal matters closed the letter. "Valentine is now upon his second progress, and in "Bedfordshire I think. I pray represent my humble service to y<sup>r</sup> good "ladies; and to Sir William Armine when y<sup>e</sup> see him: and tell him, "for his fithinge at noe man's land, we here finde by notes that ther is an "~~exact~~ description of it in the leidger bookes at Peterborough. I did inti-

Within the next week he had written to Hampden, and to Sir Oliver Luke, of the same great theme. It seems to fill his mind; for the time to exclude nearly every other; and thus far to alter the undisturbed and quiet tone of his ordinary intercourse with his friends. He does not yet confess it; even yet indeed he will be found to resist the suggestion, when pressed by others; but it is manifest that the thought of another parliament is taking gradual possession of him. Telling Hampden that he presumes by this time his progress may be ended, he has sent back his book,\* with those letters as ambassadors to congratulate his safety, and hold correspondence with the fashion of the time. His friend had heard of those successes of Sweden and the States? Well, they were causing all kinds of "forraigne preparations and—" "dispatches!" (Suppressed scorn at the proceedings of the English court shows itself in every line of the letter.) Sir Henry Vane was going to the emperor and the Germans. Their lieutenant, Balfour, was posting off to Brussels and the archduchess. A sudden and more private resolution this last, and pretending only a visit to the queen mother of France; but its object the same as the other. Once more there was to be negotiation for restoration of the Palatinate by way of peace! "Our affection truly is great for the reparation of our friends upon the opportunity now given us. The enemy, perchance, to divert our concurrence with their fortunes, may be rendered more facile to our wishes, in which, if we *cann* receive satisfaction by a treatie, wee may still retayne our peace." His own opinion Hampden knew, and how little he expected from such treaties and such negotiators. "The present condition of these tymes promisinge *somethinge better than* " *peace*, if they faile wee may with some confidence

"mate my remembrances to y<sup>e</sup> in an addresse lately to Mr. Hatcher. Let me by you doe as much now to him, resting y<sup>e</sup> most faithfull friend, J. E."

\* The book referred to *ante*, 611-614.



"conclude they will—*come home againe.*" What then would remain? Why then it was really thought "by warr we shall attempt it. And so we have, Janus-like, our aspects reflecting both waies; and in our hope of peace the fear of warr is with us, w<sup>ch</sup> entertaines us privately at home as more publickly abroad. But with these notes I interrupt y<sup>r</sup> quiett in the country. Enjoy it with all happiness, and amongst other your possessions, me, though unworthy."\* Generally to the same purport and in similar tone was his letter, three days later, to Sir Oliver Luke. He began by saying he had discharged his commission as to the copper coin,† and therewith sent him what his credit had been able to procure for him in pence. It would show him what store they had, when they could admit but so small a proportion of their silver to such uses, and that so long and hardly to be gotten. So had ended all for which in former years such sacrifices had been made! Of the many millions promised and brought from Spain there was nothing then remaining but the memory! All that was coined had gone. "Only the Mint does knowe ther was such treasure heer. Others beleeve, but have noe hope to see itt. And as are our stores such are our affections, fitter for peace than warr, whatever the oportunitie may present for the restitution of our freinds." And then he describes, in the same scornful way as to Hampden, the embassies on foot; and that their master there, the lieutenant of the Tower, was at that moment taking horse for a sudden departure.‡

\* MSS. at Port Folio: 22d September 1641.

† See *note*, *post*, page.

‡ MSS. at Port Folio: 16th September 1641. Other news of the letter, and are further evidence of the warlike outlook. Elton in the text was keeping on even the notion of another parliament that the party members might take. "Many things are in consideration here at home." Amongst others Sir Ralph Crew's son-in-law, Sir John, is the subject "to be returned against Charles's justice. Others there are of the same sort." And even, will we may better know is the significance that they are

Hampden's reply was dated from Bucks on the 3rd of October, and had his character unmistakeably written in the grave tone of its irony as to the court and its ambassador, in its studied phrase and strain of courtesy, in its reliance for the hope of peace solely on the sword of the Swedish king, and in its admiration so loftily expressed for the intellect and sagacity of his friend. Even in the short interval since Eliot had written, news of another victory was come; and now he had little doubt of the Spaniard's obsequious good offices!

"In the end of my travailes, I meate y<sup>e</sup> messengers of yo<sup>r</sup> love, w<sup>ch</sup> bring mee a most gratefull wellcome. Yo<sup>r</sup> intentions outfly mine, that thought to have prevented yo<sup>r</sup>, and convince mee of my disability to keepe pace with you or the times. My imploiment of late in interrogatory with like affaires, hath deprived mee of leifure to compliment; and y<sup>e</sup> frame of dispositions is able to iuffle the estyle of a letter. You were farre enough above my emulation before; but breathing now the same ayre w<sup>th</sup> an ambassador, you are out of all ayme. I believe well of his negotiation for y<sup>e</sup> large testimony you have given of his parts; and I believe y<sup>e</sup> king of Sweden's sword will be y<sup>e</sup> best of his Topicks to perswade a peace. 'Tis a powerfull one nowe, if I heare aright; same giving Tilly a late defeate in Saxony w<sup>th</sup> 20,000 losse; the truth whereof will facilitate o<sup>r</sup> worke. The Spaniard's curtesy being knowne to be no lesse, then willingly to render that which he cannot hold. The notion of these effects interrupts not o<sup>r</sup> quiett, though y<sup>e</sup> reasons by w<sup>ch</sup> they are gouerned do transcend o<sup>r</sup> pitch. Yo<sup>r</sup> apprehensions, y<sup>t</sup> ascend a region above those clouds w<sup>ch</sup> shadow us, are fitt to pierce such heights; and o<sup>r</sup> to receive such notions as descend from thence; which while you are pleased to impart you make the demonstrations of yo<sup>r</sup> favour to become y<sup>e</sup> rich possessions of yo<sup>r</sup> ever faithfull friend and servant,

"than what they will produce. Wee speake much of a remove of bishops, that Winchester shall be Yorke; London, Winchester; and soe by degrees throughout, from the good lo. of Oxford; but w<sup>th</sup> what truth 'tis doubtfull. Somethinge it would render in first-fruite, and that may move a little; but the matter is non answerable to the work. However it imports nothinge to our hopes, ther beinge noe change of nature. Fortunes and names alter, but the outward conditions not the men, who, though they change their places, may have the same harts and mindes. Therefore our prayers must be for a like change in this as ther owne dialect direct it, that he [who] can worke miracles would effect it. And thus haveinge nothinge else but the poore p<sup>r</sup>sent of my service, kisseinge y<sup>r</sup> hands, I rest y<sup>r</sup> most faithfull freind, J. E."

"JO. HAMPDEN. Present my seruice to Mr. Long. Hampden, October  
"3. God, I thanke him, hath made me father of another sonne."

Sir Oliver Luke's answer was written from Woodend on the same day; but news had travelled more quickly into Bucks than into Bedfordshire, and Sir Oliver had heard less than Hampden. He told his "noble and "deare friend" that the bearer afforded him only time enough to present his thanks for Eliot's last letter and the pence. "For your newes, som partt I beleeeve nott, "the reste I lyke nott." Then, after a message to Valentine,\* he sends his usual cordial country greetings. "You "shall receave by this bearer a small portion of the "fruyttes of our sommer pleasures presentted in a Red- "deare Pye, and 6 partrydges. In trothe you must "looke uppon the affection not the matter." But the kindly letter does not close here. Though he doubts some part and dislikes the rest of his friend's news, he yet strikes the true chord awakened by it, in a few words of expectation and hope. "In the whole there appears "to me some thinge lyke a preparation for a parlyamentt, "my desire wherein you already knowe. Meanes and "tyme is God's, to whome I leave it."

Eliot replied to that letter on the day of its receipt, acknowledging his "kinde present;" describing Valentine as at the Tower the day before, in great sorrow and unhappyness to have missed Sir Oliver in his visit; and saying that his friend the attorney (Heath) was like to go from him. "Richardson is resolv'd to be remov'd; the "other has his expectation to succeed him; and of thoe "that are in competition for his place, Banks is thought

\* Sir Oliver's is an abominable scrawl, which tries the patience sorely.  
"I had the unhappyness to myf my deare Benn Vailentyne, though he cd  
"me the honour to tak so harde a jorneye to gyve me a vyfyt; for that  
"favour I entreatt you to returne my thankes w<sup>th</sup> my hartye sorrowe &  
"myflinge him. . . The haste of this messenger enforces me thus speedyly  
"to presentt the faythfull affection of your friend and servant, OL. LUKE.  
"Remember my best love to Watt Longe. Woodend, this 3<sup>d</sup> October"  
Port Eliot MSS.

"most hopefull." He adds some news of reported changes among the bishops, and then goes to the matter in which his heart is, and all his interest evidently centres. "Since my last there comes a new intelligence out of Germanie of another victory of Sweden! He hath slain 18,000 of Tilly's men, upon a set Battaile of their armies; all his carriage and ammunition likewise taken; himself hurt and with some difficulty escapinge; and the rest haveinge noe safety but by flight. Noe talk of retreat, the overthrowe was foe absolute; and the losse such as is not easilie repaired!" His friend Sir Oliver might say that they could not yet know the truth of all this; but he had himself searched it by the circumstances. The advertisement he found coming by many ways. "It has a generall confluence from all partes; and if, at once, the whole world be not deluded, Fortune and Hope are mett! However, the probabilitie is great, and He that governes all thinges can effect this or more. And though I am not credulous, yet I am confident, in due tyme, happinefs shall not be wanting to the Church. And soe, with the representation of my services to y<sup>r</sup>self and y<sup>r</sup> noble Ladie, I rest y<sup>r</sup> most faithfull frend, J. E." \*

Not credulous, but confident; not impatient, but content to wait till all is ready as the time; not hopeful for selfish needs or sufferings, but that the public wrongs to religion and liberty may cease, and that God may interfere for his church; this was the temper of Eliot under the emotion caused by the Swedish victories. Steadily also at this time, the tenor of all his correspondence shows, expectation began gradually and widely to spread among his friends, and to display itself in many ways and forms. Knightley wrote to enquire of him as to his fellow-prisoners, with apparent anxiety as to reported compromises; and drew from him the reply that "Our affaires that are prisoners stand in condiçon as they

\* MSS. at Port Eliot: 3rd October 1631.

"were. Mr. Selden is contynued upon baile till the  
 "next terme againe, foe as the discharge w<sup>ch</sup> was expected  
 "is now chang'd, and he divides betweene imprisonment  
 "and liberty, w<sup>ch</sup> I beleave likewise wil be the ffortune  
 "of Will: Strode."\* But, to a subsequent similar enquiry  
 from Thomas Godfrey, he so replied as to shew that he  
 did not wholly retain his faith in another of his old  
 fellow-prisoners, Valentine. He described him after his  
 long travels betaking himself to rest; so that, in a month  
 or more, being at his lodging at the Gate-house, no friends  
 might see him but whom his greatness would admit.  
 Sicknes was pretended; but "there were" that thought  
 it counterfeit and affected, and yet "there be" that  
 hold his dissimulation worthy of punishment. "Reallye  
 "I beleave him (his juglinge set aside), in the same state  
 "he was, both in bodie and in businesse; for though the  
 "change of the Attorney may have chang'd somethinge  
 "in his favour, his fortune is not altered, but the expecta-  
 "tions are the same; and as the virtue, such may be  
 "the man. This is all I cann tell you of him, unless  
 "by supposition I should judg him, in his reservations  
 "and retirement, knockinge at some back-dore of the  
 "Court, at which if he enter to preferment you shall  
 "know it from your faithfull friend."† Somewhat later  
 this suspicion had passed away. Its existence at present  
 was doubtless part of an anxiety only half confessed to

\* MSS. at Port Eliot: 15th October 1631. The same letter illustrates his old difficulties of communication with his friends. "Y<sup>r</sup> letters make me happie as well in the testimonie of y<sup>r</sup> Love, as in the opportunity w<sup>ch</sup> they give me to returne the like to y<sup>u</sup>. I was now studicing when I finde one when y<sup>r</sup> messenger accosted me, and this being foe unexpected presented I could not but presentlie addresse myselfe to writeinge."

† Port Eliot MSS.: 8th November 1631. The letter begins thus: "At the same tyme when I receaved the favour of y<sup>r</sup> letters, I had the love from S<sup>r</sup> Edward Aycoghe; and wantinge a reconveyance unto him, I must returne this thanks for both. When y<sup>u</sup> see him, I praye give for his part, and to y<sup>r</sup>selfe accept a poore acknowledgment, w<sup>ch</sup> is all my weaknes cann exhibit for the satisfaction of that great debt I owe y<sup>e</sup>. I pray represent my service to y<sup>r</sup> Ladie."

himself. He had suffered the hope of another parliament to steal upon him ; and that possible meeting made him more jealous and watchful of the honour of old parliamentary friends. But it was only to himself this weakness was indulged.

When Knightley wrote to him a fortnight later of his own positive belief in what he heard as to writs for another election going out, Eliot, while admitting in his reply that the news his friend had heard was passing everywhere, and making the expectation among men to answer their desire, yet counselled him that it was not safe to trust to it. "It is much discourst of all sides, *and the courtiers entertaine it* ; but if my opinion, as y<sup>u</sup> require it, shall direct y<sup>u</sup>, I would not have y<sup>u</sup> credulous of reports ; much more being oft divulged in art, than reallie and in truth." In such particulars, he added, he that was least affected was most wise, Fame being neither a good servant nor a master ; but when there should be anything worthy of Knightley's knowledge, he should hear it. "In the meane tyme, possesse y<sup>r</sup> hopes in patience ; and have me in y<sup>r</sup> assurance, as most faithfully engag'd y<sup>r</sup> friend."\*

In answer to like queries he wrote to Lord Lincoln five days later. Exultingly still he spoke of the news abroad ; but as to what was reported there at home, acceptable as it might be, it appeared to him to have in it more art or vanity than truth, and therefore he should wish it might rather be rejected than believed. His lordship knew it was familiar with the vulgar to credit what was spoken, and to speak what was desired. Others than the vulgar, he admitted, likewise used not seldom to entertain them with such hopes ; but such vanity ought not to be allowed to make an impression upon all, and he was himself among those that had less hope than jealousy. "If there appear a light of comfort in this darknesse, I will make bold to represent it to y<sup>r</sup> Lor<sup>p</sup> ;

\* MSS. at Port Eliot : 25th November 1631.

"in the meane tyme, kissing y<sup>r</sup> handes in acknowledg-  
"m<sup>t</sup> of y<sup>r</sup> favours, I rest y<sup>r</sup> servant."\* And again,  
after another five days, there is a similar letter to "sweet  
"Mrs. Corbett," to repress the expectations she had  
suffered herself to indulge of a possible parliament and of  
his own liberation.†

Upon the latter point extravagant rumours had already  
found wide belief. The mention of parliament had  
scarcely gone abroad when men instinctively coupled with  
it the name of its imprisoned champion. Alleged visits  
to the Tower, by unlooked for and unaccustomed visitors,  
were matter of daily wondering gossip. His own letters  
have hinted at the belief in a parliament entertained by  
some of the courtiers; but common fame brought those  
courtiers to his prison, to caress him and deprecate his  
anger. Nay, it took him out of his prison, carrying him  
daily to court, or to places near the court; and so spoke  
of him as in constant intercourse with great ones, that they  
who were in habit of ordinary intercourse with him could  
hardly believe he was still in the Tower, though still  
they found him there! In the middle of December, one  
of the news-writers described to Sir Thomas Puckering  
as the two strongest existing reasons for the prevailing  
belief that a parliament would shortly be summoned,  
first, the refusal of the French king to complete the pay-  
ment of his sister's marriage portion until her jointure

\* MSS. at Port Eliot: "Ult. Novembris 1631."

† MSS. at Port Eliot: 5th December, 1631. It is in this letter the  
passage occurs already adverted to (*ante*, 592). He is speaking of his  
exiles for "slowth" and silence: "The other is in that great belief  
"Capt. Waller, who was my convoy to all parts, and with whom I lost the  
"generall intercourse with my freinds; haveinge not since his death  
"from my sonne in france. This I hope shall gaine y<sup>r</sup> pardon for what  
"past; for the p<sup>r</sup>esent recognition of y<sup>r</sup> favours I will not presume to make  
"an enumeration of my thanks when noe words can satisfie the merit of  
"y<sup>r</sup> charity that selectts mee ane an object to expresse too great a value  
"It is noe small degree of libertie in my bonds to be honored by y<sup>r</sup> re-  
"mory; and amongst the many blessinges from above which have comfort  
"mee on all sides this I receive as one. All that does check my happi-  
"therein, is, that I deserve it not; but in affection I am y<sup>r</sup> most faithful  
"serv<sup>t</sup>."

should be settled by act of parliament: and second, the recent courting and caressing of Sir John Eliot by some great men who were most in danger to be called in question.\* A few days after the date of that letter the lieutenant of the Tower himself confessed to Eliot that the court had become so confident that there must be some truth in the widespread reports of his prisoner having been seen out in the world once more, that he had found his own reputation too weak to give them perfect satisfaction that it was not so. The lieutenant took also the same opportunity of founding his prisoner upon certain other points arising out of those reports, but seems to have failed of the object with which he did so. He described Sir John afterwards as "the same obstinate man" he had always found him.

To the special wonder these rumours raised when they travelled into Bedfordshire, and to the eager enquiry sent thereon from Sir Oliver Luke, we are indebted for a description of them under Eliot's own hand in a letter to that tried friend. It is full of curious interest; and it affords a noble picture of himself, unmoved amid all that is in motion around him, and master still of his own destiny. "I know not well," he wrote from his prison on the 20th of December, "how to answer y<sup>r</sup> intelligence, being scarce certaine of the knowledge of myself. "The reports heer outrunn y<sup>r</sup> fame i<sup>th</sup> cuntrye, and "make me every day abroad, sometymes at Court, sometymes at places neer it, alwaies with Great Ones and "in the eye of fortune, soe as with those y<sup>t</sup> visit me I "hardlie am credited to the contrary, and though they "finde, yett scarce beleeeve me, in y<sup>e</sup> Tower. 'Tis not "yett three daies since he that is governor of this place "of purpose came to tell me that the Court was soe confident therein, as his reputation was to[o] weak to give "satisfaction in the case. Divers intercourses are sup-

\* Birch Transcripts. Pory to Puckering: 14th December, 1631.



“ posed, discourses fitted to them ; and that foe generally  
 “ received, as I have some doubt myselfe ther is an  
 “ *alter Soffia* ! What originall this has I know not, nor  
 “ what end. Some pretend a great dislike and anger at  
 “ the thinge. Reallie I have it as a good cause of mirth  
 “ showeing the levity of the multitude, foe to be moved  
 “ by some error or mistake ; or if ther be an art that  
 “ gives it life and motion, to me it is the more ridiculous  
 “ for that. It is true that the speech of this rumour in  
 “ the Court was made an occasion, in the relation unto  
 “ me, of some other pointes of conference, that were  
 “ directed to an end : *But I declined any serious confi-*  
 “ *derations thereuppon*, alledging that it was not logicall  
 “ to draw a conclusion from false premises, *and soe I stand*  
 “ *whatever fame has made me, a prisoner as before.* Arme  
 “ y<sup>r</sup>selfe awhile with doubt and incredulitie. Manie  
 “ thinges you must heer before y<sup>u</sup> come to Truth. She  
 “ yett lies in an abstruse vault and corner, of which the  
 “ first light I gett y<sup>u</sup> may be sure to have it, and what  
 “ other service may be done y<sup>u</sup> by J. E.” \*

On the very day when he was himself so writing, his friend Sir William Armyne was writing to him ; and the calm, self-contained, heroic spirit so quietly shown to Luke, found its description and counterpart in the picture of him presented by the letter of his Lincolnshire friend. Sir William's object in writing was to urge the publication of the Monarchy of Man, and otherwise to stimulate “ to action ” the imprisoned patriot and philosopher. He makes no allusion to the prevailing reports, but he was probably not unacquainted with them.

He begins by asking leave of his “ WORTHY SIR,” to interrupt his higher contemplations with the remembrance of his service, and the well wishes of some of his neighbours, Sir John's good Lincolnshire friends. Let not the tallest town, he says, disdain the lowest

\* MSS. at Port Eliot : “ Tower : xx<sup>o</sup> Decemb<sup>r</sup>, 1631.”

country cottage ; for they may be useful and helpful to each other. He had forwarded a Christmas present which had no other errand but to bring him back the assurance of his friend's health. " For other matters I knowe you soe well, that you confine your contentment within y<sup>r</sup> own limitts, soe as nothings can deprive you of happinesse. And that man who doth otherwayes is but a servant at will (the basest kind of tenure), and depends wholly upon another man's pleasure : injoyenge no thinge he can call his owne, noe, not soe much as himselfe, the worst of thinges." Then came the gift of the good knight's letter, which was to expresse the impatience he felt that such powers as Eliot's should share in the imprisonment of his person. " Bee a citizen of the world, and imprison not y<sup>r</sup> notions ; but what God and nature have dictated unto you for good and truth, communicate to all : for noe man lights a candle to putt it under a bushell. Pardon this freedome, 'tis my affection, yf I erre. Blame yt, and I shall love you more. And soe I leave you where I fownde you, courtinge your Mistris, High Contemplation. Yet Rēb<sup>r</sup> [remember] what was once sayd of the Nightingale, *Vox est, præterea nihil*. PRESSE HARDE ONE TO ACTION, and thus you make her beautifull, and putt her into the coameleyest dresse. Soe thinkes he y<sup>t</sup> is her servant in part, and yours wholly, " W. ARMYNE." \*

Eliot replied on the following day to this animated appeal. To what degree height and ambition, he said, might stoop and be owing to lowness and humility, Sir William's example might expresse, who from the top of wealth and fortune could look down on the meritless and mean condition of a prisoner. But it was charity not debt that inferred the obligation on the greater ; and so it was in his friend an act of his own virtues, of

\* MSS. at Port Eliot : 20th December, 1631.

which such was the character and impression on himself that he had only admiration to render for the retribution of his service. "Yo<sup>u</sup> knowe how uselesse are the endeavours of a Captive, and in me know how much, in that, there is lesse promise than in others. Noe man is the author of his owne abilities or power. The intention, and employment, of those faculties w<sup>ch</sup> are given us, if that, is all wee cann call o<sup>r</sup> owne. As the successe foe the originall of all virtue is without us.\* Nature and heaven must answer for what we inheritt not in that, and affection must be taken as a satisfaccōn for the fact. My talent is foe little as it equals not the least number in arithmetick, and what you call a light is but in truth a darknesse. To hide or shadow that, is but to make nothing out of nothing; and that can speak in me neither ill accomptant or philosopher. Desire I have to doe service unto all men; wholie I am devoted to the honor of my friends; you as the cheife I have still in admiration, the effect of which, were there occasion given me, should have a demonstration more than words. This I hope shall excuse me for the present, if I be like y<sup>r</sup> nightingall, or lesse. Shall I be more at any tyme, it is y<sup>e</sup> who have a full command and interest in him that is still y<sup>r</sup> servant, J. E." †

Doubtless the expectation was at that moment strong in him that it was even yet possible to be "*more*;" that the time when indeed he might hope again to "*press on to action*" was arriving fast; and that it behoved him to prepare for it. Nor upon this interesting point are we left to conjecture only. Among the detached papers in his handwriting found in his prison after death, were the heads of a speech to be delivered in parliament, composed at this time. Never, alas, during his life was the parliament to come, in

\* This passage, and that to which it replies in Arnyne's letter, have before been referred to; but they are worth repeating.

† MSS. at Port Eliot: 21st December, 1631.

which he designed to have spoken this speech ; but by the strange accident which has preserved for us, after two hundred and thirty years of silence and neglect, the frail and perishable paper on which it was written, we learn of his purposes what it was not permitted even to his contemporaries and nearest friends to know ; and from his grave he speaks to this generation as he would have spoken once more to his own from his place in the house of commons, if God had given him strength to survive the harshness of his captivity.

To the question put in issue by that captivity, we now know, he would at once, on taking his seat, have addressed himself. He would have refused to entertain any other until the late shameful outrages were atoned for, and the privileges of the commons asserted finally and allowed. He would have challenged for himself the just testimony and proof, as well as of his own conscience as of every witness to his trials, that never from the service of that house and its privileges had either fears or hopes corrupted him. He would have publicly referred, as to matters generally not unknown, to the calmness he had used, and to the little patience he had lost, in the long-continuance of all his sufferings, during which no thought had possessed him of the personal injury to himself, nor had any circumstance been able to move him, but as it might affect the liberties of the house and of the kingdom. How those liberties had been imperilled he would then have shown. By contrast of all former dangers in that kind he would have exhibited the incomparably greater dangers lately undergone. Those but an attempt upon the outworks, but these an assault against the citadel ; those only for a time corrupting and troubling the spring and fountain of their liberties, but these wholly drying it up, damming and stopping it for ever ! Eloquently he would have proved the inseparable union of parliaments and liberty ; the danger to parliaments of any restriction of privilege, and the impossibility that

with parliaments so restricted or suppressed, either the liberties or the glories of their land could continue. In support of these views he would have appealed to the authority of a noble person, the Lord Wentworth, since a minister of state, but with whom he had acted in a former parliament in maintenance of the privileges of the house of commons; and he would have closed with comparison of the greatness of England while the ancient ways of government prevailed, with the misery and misadventure undergone by her since the introduction of NEW COUNSELS.

I append the manuscript itself, memorable for so many reasons, and touching as well as noble in the appeal it makes to us. I have modernised its spelling, according to the rule adopted with all the speeches printed in this work; but otherwise it stands exactly as I found it, and as doubtless it had lain since the day when it was removed with his other papers from his last dark lodging in the Tower.

HEADS OF A SPEECH MEANT TO HAVE BEEN SPOKEN BY ELIOT IN A  
PARLIAMENT WHICH NEVER CAME.

“ Though this question have some reflection upon me in respect of the occasion, and that my special interest therein might impose a silence on me, lest from thence I should be thought too quick-sensed and apprehensive, yet your charity doth warrant me not to be suspected, and your candour doth assure me I shall not be misjudged: having those many witnesses to clear me, the just testimonies of my conscience, which I thank God, in the service of this house, no fears nor hopes have yet corrupted. For your service, in all degrees and trials, it has stood inviolable and pure.

“ The general duty that I owe determines all particulars: all less and private considerations, the public and greater must involve: and to that, when my help shall be required, and my poor labours may be useful, no difficulties may deter me, but other reasons must recede.

“ It is not unknown what calmness I have used, how little patience I have lost, in the length of all this sufferance, wherein, I here protest and my God knoweth, no thoughts have possessed me of the personal injury to myself, nor hath any circumstance been able to move me but as it might impart a prejudice to the public, a prejudice to this house,

a prejudice to the kingdom. And so I shall now weigh it, as incident and relative to these, to the preservation of whose safeties I owe my utmost life and liberty.

"How they are now engaged; how far they are in hazard by those late proceedings against the members of this house; maybe will be seen in the apprehensions of the house upon former injuries conceived from like invasions of their liberty. When a particular loan was in dispute, and some imprisonments and commitments followed upon that, you know what cares it moved, what fears and apprehensions it raised, what resolutions pursued it [resulted from it], and with what strength and insistence they were urged. Yet were the dangers then conceived but the ushers to what have followed. They were only an attempt upon our outworks, a shadow of the danger which hangs over us now. Through the members of this house the general liberties of the kingdom have been struck at. It has been sought to beat and drive us from that chief bulwark of our strength, which, as the base and foundation of our hopes, must give subsistence to the rest. What formerly was attempted was against the laws and liberties of the kingdom, and was an oppression of the subject. But what since has been attempted is far greater, and is indeed beyond all proportion of comparison. The one was an act of oppression, against liberty and the laws; but the design of the other is to put at once a conclusion to the work of darkness, and to depress and ruin law and liberty itself. For it is not in any stream, in any branch or derivative of our freedom, in some one particular of the laws, but it is in the spring and fountain from whence all the streams flow, that the attempt has been made, not to trouble and corrupt it for a time only, but wholly to impeach its course, to make the fountain dry, to dam and stop it up for ever!

"Our liberties, you know, have their great dependance on the parliament. This has been their protection and sanctuary. But for parliaments hardly were the name of freedom known. Herein the true piety of our fathers has always found expression. Here have been preserved those sacred relics, the rubrics of the law. When any dust had settled upon them, here they have always been refreshed; and when power or greatness hath oppressed them, here they have been relieved. So anciently, so modernly we have found it. If that protection fail, then must fail our liberties, which, through age and the violence of these times, have not strength of subsistence in themselves.

"Now the whole power and virtue of the parliament depends upon the privileges thereof. Her ancient franchises and immunities are that which hath sustained her. A parliament without liberty is no parliament. The house cannot exist unless its members freely have the power to treat and reason; whereby propositions may be made, arguments received, opinions and judgments agitated and discussed, and by full deliberation such mature resolutions drawn, as may answer to the worth and merit of the cause, for the ease and quiet of the subject, the safety of the state, the honour of the sovereign. And thus, thus pro-

pitious and happy, their natural conclusions have been always; the genius of the kingdom in its own course moving ever a concurrence to that end!

"The examples are innumerable, should I produce them to confirm it: nor less ominous on the contrary the successes [results] where that course was interrupted.

"For this—to give a general instance of our own time; not to touch upon the troubles of our ancestors; to keep within the circle of our own memory and knowledge—I will ask, since these jealousies were taken up against parliamentary proceedings, and that new art was discovered of turning parliaments into nullities and abortions, have we been as prosperous as before? Have our endeavours borne the wonted issues which gave such glory to the reputation of our fathers? No. It is most certain that since those new ways our old fortunes have forsaken us; and no one public undertaking, of the many we have attempted, has been happy or successful. The reason of which has been formerly here given you by a noble lord (Wentworth) then a worthy member of this house, who showed it to be a neglect of the grave counsels of the parliament; a rejection of their wisdom, which on all occasions had been best. And this he proved by a large induction of particulars, which is so well known as I need not to repeat them.

"But on the other side, when those interruptions have not been, when there has been a unity and concurrence in the parliament, a general harmony and concord of all the parts and faculties, who can enumerate the blessings it has wrought, or the fruits and advantages that have followed it? For the subject, all men know how often and miraculously it has eased them: how their persons, how their fortunes, how their liberties have been kept. For the state, let all ages speak it on all occasions, what requisite provisions have been made for defence and support thereof. Or, if you will let Bodin speak in both what he had collected in this point—who says: '*ubi melius de curandis reipublicæ morbis, de sanandis populis, de statu confirmando, agi potest, quam ad principem in senatu coram populo?*' Resolving it exclusively that nowhere so well, nowhere so properly, could be treated the good of state or country, as in the parliament. Where the king sits as head, and the lords and commons as the body and the members, the soul of all is concord. The consent and correspondence of the parts, as they protect and save themselves, so do they also crown the head with such a fullness and felicity that nothing can be wanting to dignity and honour.

"All our stories verify this, in the examples of our elders. If we would begin even with the beginning of our parliaments—at least the beginning of those testimonies that transmit their memories to us—in that troublesome and rough time of Henry the Third which had a beginning through the quarrels of the barons, so unfortunate, and to such necessity and dishonour reducing the king, as, besides the pawning of his jewels, he was enforced '*cum abbatibus et prioribus quærere prandia et hospitia,*' to take upon charity his diet and entertainment, and those

'*fatis humilia*' as the record says—nay, a time so unhappy to the prince that he became in his person a prisoner, and was led as it were in triumph over the kingdom—yet in that time, having so unfortunate a beginning, after the king began to give credit to his parliament and put himself upon the confidence of his subjects, receiving and applying the counsels of this house—did not those clouds disperse, and a clear light break forth of happiness and tranquillity? The stories make it plain, that as no king was lower while he moved only by the affections of his favourites, after he had embraced the counsels of the parliament, few were higher either in power or reputation, and the future felicity of his reign became a pattern unto others.

"In the next, in the time of that prudent prince the First Edward, whose reign held a continual league between the parliament and the king, what honour, what dignity could be greater, than that which he enjoyed? All power and reputation, both foreign and domestic, attended him. His actions were successful, as his undertakings great. He was loved of his friends, and his enemies feared him.

"In the reign of his successor, the Second of that name, both these failed, as you know, because the reason failed. But in the long and glorious reign of Edward the Third, which followed next, what a confluence of riches and treasure came daily to the coffers of the king from his agreement with his parliaments! What state and dignity he attained to! What power and reputation he had! His fullness and security at home; his large achievements and great victories abroad; his general prosperity both in peace and war; are a sufficient demonstration of this truth—that, in our state and kingdom, the relation is so natural between the body the parliament, and the head the king, that only from unity and agreement between them *can* happiness and felicity proceed.

"Nor less than in those former instances is it apparent in the rest. In the time of Henry the Fourth, of that most glorious and victorious prince Henry the Fifth, of Edward the Fourth, of Henry the Seventh, of Henry the Eighth, of Edward the Sixth, all were in agreement with their parliaments. And for the reign of Queen Elizabeth—as no age can parallel the love between her parliament and her, when harmony and concord seemed to hold emulation with the spheres, when no string jarred, but all parts answered in a general symphony to the whole—as no time gives precedent for the consent and correspondency of that, so no preceding time can equal the glory we had then! The memory of the greatness we then enjoyed remains yet an honour unto us.

"But on the contrary, when that consent has been defective, when our princes have declined the advice and counsel of their parliaments, how unhappy they have been! How have those princes declined both in dignity and honour! Shall I relate to you the stories of Edward the Second, of Richard the Second, of Henry the Sixth, who for their Gavelstons, their Spencers, their Irelands, their Suffolks and the like, rejected the counsels which were wholly directed to their good, and turned away from the prayers and entreaties of their parliaments?



"Both examples teach us. In both ways the use and benefit of parliaments appear, and the advantage they impart to the king's dignity and honour. We read in both the necessity for such meetings, and for preserving inviolate their immunities and privileges."

Alas, that the teaching of such examples had no instruction for the Court but to turn it still hurriedly away in hate and fear. Whatever may once have been the purpose, as quickly it was abandoned. After the date of the last interview of the lieutenant of the Tower with his prisoner, there is no more talk of another house of commons. What might have been the policy of the "great ones" if Eliot had spoken otherwise than we find him speaking here, and as doubtless he spoke to Balfour, will now never be known to us. What it actually became when a parliament was thought of no more; and what kind of treatment of the great parliamentary leader took the place of "courtships and caressings;" is all that remains to be told.

### VIII. HARSHNESS, SILENCE, AND DEATH.

The letter in which Eliot described to Luke the visit of the governor of the Tower upon his return from Brussels, the intimation conveyed from the court, and his rejection of it,\* bears date the 20th of December; when "not yet three days" had passed since the interview. On the 21st, the council sat at Whitehall; and that day's register contains an order "to restrain access of persons of several conditions to Sir John Eliot."† The caressing was over, and the persecution to death begun.

\* Notwithstanding Eliot's caution and reserve in describing to Luke that interview, and referring to its other "points of conference directed to an end" of which he declined any serious consideration, and so remained a prisoner as before, the circumstance certainly became known that the court had tried him in this way. It is hinted at in several letters; and Rapin had good authority for saying in his history (x. 213) that "Sir John Eliot had been tampered with, but was found proof against all temptation."

† If it may be said of such an entry as this, yet standing in the Privy

Five days later, the morning after Chriſtmas-day, Eliot deſcribed to Hampden what that order of the council had involved. "That I write not to y<sup>e</sup> anie thinge " of intelligence wilbe excuſed, when I doe lett y<sup>e</sup> know " that I am under a new reſtrainte by warrant from the " king, for a ſuppoſed abuſe of libertie in admitting a " free refort of viſitants, and under that coulour houldinge " conſultations with my frends. *My lodgings are re- " mov'd, and I am now wher candlelight may be ſuffered " but ſcarce fire.* I hope y<sup>e</sup>le thinke that this exchange " of places makes not a change of minde. The ſame " p<sup>r</sup>teccōn is ſtill with me, and the ſame confidence, and " theſe things cann have end by Him that gives them " being. *None but my ſervants, hardly my ſonnes, may " have admittance to me.* My freinds, I muſt deſire, for " their own ſakes, to forbear coming to the Tower. " You amongſt them are chief, and have the firſt place " in this intelligence. I have now " with a tranquil re- ſignation he adds, " leiſure, and ſhall diſpoſe myſelf to " buſineſſ: therefore thoſe looſe papers which you had " I would caſt out of the way, being now returned again " unto me. In your next give me a word or two of " notes. For thoſe tranſlations you excepted at, you " know we are blind towards ourſelves; our friends " muſt be our glaſſes; therefore in this I crave (what " in all things I deſire) the reflection of y<sup>r</sup> judgment, " and reſt your friend."\* The mention of his ſons is explained by his now daily expectation of the arrival of Richard for a brief viſit from the Low Countries. The " tranſlations " were probably portions of his treatiſe on

Council Register, that it affords evidence of a ſpirit inexpressibly mean and every way unworthy of ſo high a body in the ſtate, what are we to ſay of other orders affecting alſo this object of the king's untiring wrath and revenge, ſtill to be found in the ſame grave national record? Take that of the 29th June, 1629: "Order to deliver out ſuch *clothes and linen* as Sir " John Eliot ſhould deſire." Not merely his papers, but his trunks containing his wardrobe, had been ſeized.

\* MSS. at Port Eliot: 26th December, 1631.

government, or lighter exercises from the ancient writers referred to therein.

Two days later he wrote to Sir Oliver Luke, not otherwise himself describing the harsh and cruel wrong inflicted on him than as "our late changes," which had for a while deferred the journey of his messenger; but saying that the latter would "relate them and the cause" That he wrote not in that letter the particulars, he presumed would be excused by Sir Oliver, who knew the danger of the time. For himself, he thanked God it made no alteration; and he hoped his friend doubted it not that his resolutions were the same, and his affections still devoted to the service of his friends, which his prayers should satisfy to the heavens till they might again have opportunity amongst men. "Represent my humble service to y<sup>r</sup> Ladie. Pardon this haste and shortnes, in him y<sup>e</sup> for the present has nothing to retorne for y<sup>r</sup> favours but his thanks, and that uselesse thing the promise of himselfe."\*

The next friend to whom he turned from his now dark and cheerless prison, from his "new lodging in the "Tower" as he quietly called it in this letter, was Richard Knightley, to whom as his "DEERE BROTHER" he said that he then wrote, in order that there might not hereafter be wonder that he wrote *not*. The occasion was a new restraint upon him, all company being debarred to him, and his lodging changed. The reason pretended was "a supposition of consultations under the "cloake of visits." But as he knew the cause of jealousy in that, so by the change he found no alteration in himself. The place he was in, had upon it the same Power which had protected him elsewhere, and he was confident would still assist him. For him, in the service to which he had engaged himself, there was no going back. He was in the station appointed him; and He who had given it could prepare another. Not

\* MSS. at Port Eliot: 28th December, 1631.

to keep it constantly until His pleasure declared itself, were to do less than soldiers for their generals, and to be unworthy of His service who was abler and more munificent than all. In that he must desire Knightley to excuse his silence for a while. To Grenville at the same time, and much to the same effect, he wrote by the Mr. Periman for whom we have already seen him asking, from another Cornish friend, \* the favour he took also this occasion of soliciting from Grenville.

Thus uncomplainingly, and with his last and least thought given to himself, he announced to his four most trusted friends the change which had fallen upon him by order of the king, and by which it was hoped either to bend or break him to submission. All future friendly society, or intercourse, was to be debarred to him; and in the depths of a bitter winter he was to be denied the ordinary comforts that health requires. There is nevertheless no perceptible change in him. Fond as he is of his friends, he quietly prepares them for an interval of silence in which even letters may reach him no more; while for himself unrepiningly he turns to other subjects that have occupied his thoughts, to the revision of his speeches, to his memoir of the parliament, probably even to that appeal which was meant for another time than this, though suggested by the present importunity of some among his old associates who would have had him purchase remission from his wrongs by concession to the power that had inflicted them. Not so reasoned any of the four friends to whom he now had written. They replied to him in his own temper.

What Hampden and Knightley wrote back seems not to have reached him, but its tenor appears in subsequent letters. Grenville, writing from "Bydeford," was more fortunate in his messenger. "Wary" by whom he wrote, because of the straightness and restraint laid upon his friend, he had chosen a "worthy bearer"

\* See *ante*, letter to Mr. Sheriff Prideaux, 638-9.

in the person of an especial good friend and neight of Barnstable, one that was an officer in the admir " but one of the most gentile and honest gentlemen " ever I knewe live in that towne : " by which ami gentleman he told Eliot that all his wishes for Periman had been complied with, though at a sacrifice he could only have made for such a friend ; \* and, further comfort in Eliot's dreary prison, avowed his belief in the renewed and increased rumours " very " in these parts " of a parliament. " If it be so," adds, " I wish you would lett me have some tin " notice, that I might doe yo<sup>u</sup> service, w<sup>ch</sup> I more de " than any earthly thing besides. I presume I have s " interest in the affections of the people, and I h " taken such course as you shall be sure of the " knight's place whensoever it happen. But I as " you you shall not have y<sup>r</sup> old partner, whosoever " the other." Of a parliament Sir Oliver Luke | nothing to say in *his* reply, whatever were his hopes

\* This part of the letter is worth subjoining, as well in proof of Grenville could do for his friend, as of his resolve that Eliot should know the full extent of it. " I receav'd your's by Mr. Periman ; and that " may ever see you cannott speake to me without effect, I grante " desires, and all his for y<sup>r</sup> sake, at full. *Though ther were not a t " in the world, that you could have more tryed my love in :* for the " had, in his former sheriffwick, exprest'd such a particular malice " mee, as I did suffer in the valew of neer 500<sup>lb</sup>. by it. The partic " are too tedious to relate ; but what I say is true. I had therefor " requite him, taken such course with my cofen Prideaux, as he gave " his faith that Periman should never be his officer ; and when Peri " came unto him, he gave him the repulse, unlesse he could gett me " release him of his promise. *All w<sup>as</sup> upon the receipt of y<sup>r</sup> letter I " and, to second it, made journey purposely to my kinsman, to further his,* " which unlesse I had done, I dare say he had failed. And yett I lett " knowe, it was not for his owne sake. He was desirous to give me " security, that I should receive no prejudic by him this yeare, being ( " must confesse) not yet altogether out of their danger. I answer'd | " *that I scorned to take any assurance from him, but I had YOUR word,* " *thereon would relye,* and if that were not sufficient safety for me, lett " suffer ; and I would much more willingly doe it, than be beholde " him. This was that passage. . . I cease to trouble you farther ; " with my service to you, and praisers for you, I rest y<sup>rs</sup> unfeignedly to | " you, BEVILL GRENVILLE. Bydeford: 30 Jan. 1631 (2)."

thoughts; but not less confidently than Grenvile he assumed that whatever harshness or cruelty might yet be in store for him, Eliot would be constant to the last.

"NOBLE AND DEARE FRIENDE,—The enjoyinge of this messenger (beinge one of yours) hath givene noe lytell contentmentt to this place, however the newes he brought of your unexpected change might much have cool'd it, if the assurance I have of Chrystian resolution to submytt to God in all, did not gyve me full satysfaction. He only is able to supportt in all tryalls, requyryng nothinge butt a holy submyssion, for w<sup>ch</sup> he will in his good tyme gyve a gloriousse and comfortable issue, and in the meene [while] all needful supplies. So, though in these there be a takinge away the conversation of men, it is to ghd [guide] his chyldren butt a passage to a more neere communion w<sup>th</sup> him in Chryste. And then consider what losse, naye what an eternall gayne! whereof I assure myselfe you will through his infynytte mercy receive a large portion. For w<sup>ch</sup>, as all other comfort, I shall heartly praye. All I can think of is *to desire your care of your bealte, w<sup>ch</sup> is the sole danger I apprehend in this*: assuringe myselfe all els will be returned w<sup>th</sup> advantage. If by the tyme of my cominge to London the waye be oppened, you doubt not of my vysytinge you. However, you are assured of the good wythes and prayers of your lovinge and faythefull friende, OL. LUKE."\*

The affection of this true friend had here struck the note of danger. Eliot's health had been broken by his long confinement, with its necessary intermission of old active habits; and we have seen how the cold and watching in those anxious days before his sentence at once disabled him. This fact was of course well known to those who now, at the most inclement season, had directed his removal to a portion of the Tower inaccessible to warmth, cheerfulness, or the visits of friends; and, reasoning from their own act, there can be little doubt that what Luke most feared for Eliot, they most desired. Yet at the first it might have seemed they were to be baffled even here. "This other day," wrote Pory to Puckering five days after Luke's letter, "Sir John Eliot's attorney-at-law told me he had been with him long since his removal into his new lodging, and found him the same cheerful, *healthful*, undaunted

\* MSS. at Port Eliot: "Hanfe: this 7<sup>th</sup> of January" 1631(2.)

"man that ever he was."\* Though the change in the prison was so "long since," no change in the prisoner could yet be reported for comfort of the court! Neither spirits, nor resolution, *nor health* had failed him yet. But let them take courage, for all the chances are on their side.

Before another fortnight was passed Eliot wrote again to Luke. Again he had been moved to another lodging, even darker and more "smoaky" than the last. Occasion had been taken also to abridge Valentine's day-rules, because he had used them too often in efforts to see his friend since his closer restraint. Selden and Long had at the same time been brought before the judges on the first day of the term just opened, not indeed with any serious purpose to prolong their punishment, but apparently with some vague hope of indirectly increasing the pressure put upon their "ringleader." Of all these matters Eliot now wrote. His many troubles of removing, he told Luke, had awhile hindered him from writing; the lodging which he had upon his first remove before Christmas being again altered, so that he might say of his lodging in the Tower as Jacob for his wages, *now then ten times have they changed it!* But he thanked God not once had it caused an alteration of his mind, so infinite was that Mercy which hitherto had protected him, and which he doubted not but he should find with him still. The greatest violence of the storm was like to fall on Valentine, he being retrenched of that

\* Birch Transcripts: 12th January, 1631-2. Mr. D'Iraeli quotes this letter (*Commentaries*, i. 323) with the following whimsical comment: "Sir John's lawyer appears to have had too much at heart the glory of the 'patriotic champion in the person of his client, to have perceived what Eliot's physicians reported in the October of that year, 'that he could 'never recover of his consumption unless he might breathe purer air.'" Sir John's lawyer must have been a very clever fellow if in January he could have perceived what was not to be reported until the following October! In his eagerness to believe that the harshness used at this time to Eliot had no part in bringing about his fatal illness, Mr. D'Iraeli makes a jumble of the years.

liberty he had, which might be some prejudice to his busines. It was threatening likewise some drops on Mr. Selden, and had stopt the discharge looked for. Yesterday he had appeared before the court according to the undertaking, but the judges would not quit him, and continued him therefore again on bail for a while longer, that they might further advise therein. Walter Long, too, had been removed by writ on Sunday night to the "counter" prison, from which he was to be called to answer within a certain time to some points connected with his fine.\* Then Eliot turned again to himself. "When you have wearied your good thoughts  
 " with those light papers that I sent you, I praie returne  
 " them with the corrections of your judgment. I maie  
 " one daie send you others of more worth, if it please  
 " God to continue me this leisure *and my health*; but  
 " the best can be but broken and in patches, from him  
 " that dares not hazard to retrieve them: such thinges  
 " from me falling [like] the leaves in autumn, foe  
 " variously and uncertainly that they hardly meet againe.  
 " But with you I am confident what else my weaknes  
 " shall present, will have a faire acceptance. Your  
 " charity is my assurance in this point, of which being  
 " most deserving as of your praies, I rest your molt  
 " affectionate servant."

\* I give the whole of what Eliot says as to this fresh matter against Long, which indeed was a proceeding by bill, in which the crown lawyers were foiled, alleging fraudulent conveyance of property to evade his fine for having served in parliament while sheriff. "Mr. Long by writt  
 " was removed from hence on Sundaie night to the counter, and from  
 " thence carried next daie to y<sup>e</sup> exchequer barr, where it was supposed  
 " that his custodie with the Sheriff made him within the cognizance of the  
 " court. Upon which some few daies being given him to answere to the  
 " information, hee was returned againe to the counter; and if he answere  
 " not within the time they give out, the bill will be taken *pro confesso*. We  
 " imagine his person will be returned hither againe when this worke is  
 " done; but what desire hee has I knowe not: the incouragement for his  
 " guardian being not more than anye gaile may yeld him." Mr. D'Israeli printed a portion of this letter; omitting all these passages, as well as important words here and there; and substituting "*gather*" for retrieve in the lines quoted in the text.



The touch of sadness in that letter was forerunner of what too soon was to follow. So rarely did Eliot make special allusion to his health that his friends drew ill foreboding even from his mention of it. And here unhappily there was too much cause. On the following day Pory wrote to Puckering that he heard Sir John Eliot was to remove out of his dark smoaky lodging into a better ; \* and the belief generally seems to have been that the court would find it unsafe to persist in the harsh orders given. But after another fortnight Eliot wrote to Grenville, in reply to several points in his last letter, and without a hint that there had been any relaxation.

"The restraint and watch upon me barrs much of my entercourse with my friends, while their presence is denied me, and letters are soe dangerous and suspected as it is little that way we exchange. Soe as if circumstances shall condemn me, I must stand guiltie in their judgments. Yet yours, though with some difficultie, I have received; and manie times when it was knocking at my doors, because their convoy could not enter, they did retire againe; wherein I must commend the caution of your messenger: but at length it found a safe passage by my servante, and made mee happie in your favour, for which this comes as a retribution and acknowledgement. Y<sup>r</sup> concession to John Periman adds much to the reckoning of my debt, though the obligation be the same. Y<sup>r</sup> interest in me formerlie was such as it had noe limitt but my all: and I cannot give you more: wch if I could, this reason does deserve it, that y<sup>e</sup> have let downe soe much of your selfe for him that is soe unworthie, who must confesse the greatness of that courtesie, and I do hope the other will strive to merit it. For those rumours which you meet that are but artificial, or by chance, it must be your wisdom not to credit them; manie such false fires are flyinge dailie in the ear. When there shall be occasion, expect that intelligence from friends, for which in the meene tyme you doe well to be provided. Though I shall crave, when that dispute falls properlie, and for reasons not deniable, a change of your intention in particulars as it concernes my selfe.† In the rest I shall concur

\* Birch Transcripts: 26th January, 1631 (2). In the same letter he describes what had passed about Long and Selden at the opening of Hilary term, giving his opinion that it was not unlikely all to end in Selden's becoming king's solicitor; and, mentioning also the complaint against Vassettine for his visits to Eliot, he adds that the consequent restriction of his day rule had not been such as to prevent his going abroad "as he did last Sunday to the sermon at Lincoln's Inn."

† It may be doubted, from this allusion to Grenville's offer again to

"in all readines to serve you; and in all you shall command me, who am nothing but is you<sup>re</sup>. Represent my humble service to your Ladie,\* and tell her that yet I doubt not one daie to kifs her hands. Make much of my godsonn—*men may become pretious in his time.*† To whom, with all your sweet others, and y<sup>r</sup> selfe, I wish all happines and felicitie, and rest y<sup>r</sup> most faithfull freind and brother J. E."‡

While thus he was writing, for the last time, to his old Cornish neighbour, his Lincolnshire friends were in much anxiety concerning him; and of the nature of their fears expressed by Sir Edward Ayscough, Eliot's playful reply, on the very eve of the sickness that confirmed them, will sufficiently inform us. Only the day before, from his old friend Sir William Courteney, he had been seeking information for his guidance in a matter interesting to his son Richard, who was now on leave from his military duties in the Netherlands; § and in the same ordinary, quiet, undisturbed temper, he wrote now. "Yo<sup>r</sup> care," he said, "has made me whole; and the influence of that favour wh<sup>ch</sup> yo<sup>r</sup> memory has exprest

secure him the first knight's place for his county, whether he had not made up his mind, in the event of another parliament, to represent another place. There is little doubt that he would have had his choice of the whole of England, from end to end.

\* Mr. D'Israeli, who has given a portion of this letter with several omissions and mistakes, prints this passage after the following fashion: "In all you shall command me, who am nothing but as you represent. My humble service, &c."

† I have remarked on this *ante*, 567. Mr. D'Israeli, omitting "one daie" in the line preceding, prints "make much of my godson," and there stops! He had failed to "decipher" the next memorable words.

‡ MSS. at Port Eliot: 17th February, 1631 (2). Mr. D'Israeli misdates it the 31st of January.

§ Everything is so interesting that indicates in any way the employment of his thoughts at this time, when the final silence is so near, that I subjoin his letter to this distinguished officer (as to whom see *ante*, 68, 78, 112, &c.) "S<sup>r</sup>—I have directed this bearer to yo<sup>u</sup> with a speciall suite, w<sup>ch</sup> I hope yo<sup>u</sup> will not deny me. I desire much to knowe the particulars of y<sup>e</sup> employments att full in the raylinge of the men w<sup>ch</sup> were intended in exchange for some old souldiers in the Low Countries, and of your passage w<sup>th</sup> them and successe before the late bold action. I praie therein favour me to let me have the coppies of y<sup>e</sup> commissions, instructions, jornalls, and other papers of that busines, w<sup>ch</sup> my servant will soone dispatch; and it shall be an obligation on me, if I may at any time be worthy to serve you w<sup>th</sup> the utmost powers of J. E. Tower: 20<sup>th</sup> ffebr. 1631 (2)." Port Eliot MSS.

"warmes me soe fullie as noe Cold can be perceaved.  
 "prescription w<sup>ch</sup> you sent me I will laie up in stor  
 "a trefure for necessitie; and if other trades doe f  
 "by that I'll turne Physitian. I pray represent  
 "humble thankes and service to those good Doctors  
 "assist yo<sup>u</sup>. Lett yo<sup>r</sup> true hart expresse me to those H  
 "Sones of Lincolnshire, and all our frends. I am  
 "worthy a remembrance to y<sup>r</sup> Ladie; but in my ad  
 "tion of her vertues, kisse her faire handes, I  
 "y<sup>r</sup> affectionate servant, J. El."\*

Hardly had he so written when the cold struck h  
 He is silent for more than a fortnight, and then  
 Richard Knightley what had befallen him. Even t  
 however, he puts in front of his letter not the sick  
 of which he has to speak, but some other of those l  
 rary exercises in which his eager intellect was ever bu  
 engaged, and of which his friend, having heard from  
 Oliver Luke, had desired to receive a transcript.† "  
 "for the present," he adds, "I am wholly at a st  
 "and have been soe this fortnight and more, by a f  
 "nesse which it has pleased my Master to impose, in w  
 "hands remain the issues of life and death. It co  
 "originallie from my cold, with which the cough ha

\* MSS. at Port Eliot: 21st February, 1631 (2).

† I give the whole of this opening of the letter. "Y<sup>u</sup> must excu  
 "that I kept not promise sooner to send y<sup>u</sup> those papers y<sup>u</sup> desired,  
 "deferd a while for a faire copie to be written, but therein was prev  
 "by S<sup>r</sup> Oliver Luke, who has ingros't that to himselfe, and the orig  
 "w<sup>ch</sup> is all that I possesse, I did doubt was hardly legible. Yet rather  
 "faile in all, I have presum'd herewith to adventure it, w<sup>ch</sup> when y  
 "weari'd of the trouble, I shall praie y<sup>u</sup> to returne againe. Cop  
 "desire may not be taken from it, because transcriptions doe adulterat  
 "a little change and difference, besides the injurie to the thinge, may c  
 "on other prejudice. If y<sup>u</sup> thinke it worthie of more veiw, h  
 "perused it over, I will as soone as it returnes, gett it new written  
 "wher I maie examine it myselfe, and send a copie to y<sup>u</sup>. Thus fa  
 "the waie lett me prepare y<sup>u</sup> to consider it: that it was not made a  
 "nesse, but an exercise. In those minutes when that embrio was br  
 "forth, ther wer other things more serious than in art w<sup>ch</sup> one daie  
 "be communicable with our frende[s]; and when that is, your know  
 "will be first."

" been longe upon me causes such ill effects to follow it,  
" that the symptomes are more dangerous than the  
" greife. It has weakened much both the appetite and  
" concoction, and the outward strength. By that, some  
" doubt there is of a consumption; but we endeavour  
" to prevent it by application of the means, and as the  
" great physitian seeke the blessinge from the Lord.\*  
" He only knowes the state of soule and bodie, and in  
" his wisdome orders all thinges for his children as it is  
" best for both. Our duty is submission to the crosse  
" w<sup>ch</sup> he laies on us, whoe in his mercy likewise will give  
" us strength to bear it. Of w<sup>ch</sup> I have had soe manie  
" trialls formerlie in the infinit particulars of his favour  
" unto mee, as I cannot doubt it now, however un-  
" worthie of myselfe; but in the meritts of my Saviour  
" rest confident in that hope which he himselfe has  
" given me, and will fortifie. The assistance of y<sup>r</sup>  
" prayers I know cannot be wanting to y<sup>r</sup> friend. Pardon  
" me the trouble of this letter, and as soone as conve-  
" niently y<sup>n</sup> can let me heare how these thinges come  
" to y<sup>r</sup> hands, w<sup>ch</sup> with the remembrance of my ser-  
" vice I now send you, restinge y<sup>r</sup> most affectionate  
" brother, J. El." † This letter, with his rough draft of  
the papers to which it refers, went to Knightley by a boy  
in Eliot's service, who will appear in another letter,  
though it seems doubtful if to his master he made  
appearance again.

Six days later he wrote to Luke more hopefully, but  
with no really better account of himself. It was his last  
letter to the friend he loved so well. Sir Oliver had  
asked to have the Monarchy of Man returned to him  
for a time, and Eliot tells him that he could not yet  
perform his promise for the returning of that "boke,"  
it being not copied as he desired, but that being done he

\* These few lines, ending at "the Lord," were printed by Mr. D'Israeli  
with some omissions.

† MSS. at Port Eliot: "Tower, 15 Marcij 1631" (2).

should receive it. In the meantime he had therewith sent, to entertain him, another of less trouble to be read; and that being all of it he had, he must pray his friend, when weary of it, to return it to him again. "I thanke "God," he continues, "I finde my healthe amend-  
ing; and little doth hinder it at this time but my  
"hoarseness, and some remainder of my cough. Those,  
"I hope, time and the season will remove; though they  
"have been longe upon me. Which I must leave to  
"Him that is the best Physitian, to whom likewise I  
"commend the care of you and yours." \*

The day after he wrote to Knightley, who had sent him some medicine for his cough; and in his brief letter, also his last to this true friend, there is a quiet humour blended with its sadness which renders it extremely pathetic. "I am glad," he says, "to have intelligence  
"by y<sup>r</sup> letter that my papers are come safelie to y<sup>r</sup> hande,  
"because the messenger, my boy that went with them to  
"you, tarries and never sawe me since. I now write  
"the more willinglie to know whether y<sup>u</sup> there finde him  
"*wrapt in any of the leaves, or hidd in some corner of a*  
"*blott: there are enoughe to cover him and more: in*  
"wh<sup>ch</sup> if y<sup>r</sup> perusall shall discover him, lett me have  
"word in time. Y<sup>r</sup> physicke, God willing, I will use,  
"with that w<sup>ch</sup> is the best of all others to assist it, and  
"without wh<sup>ch</sup> all physicke is in vaine; the success  
"whereof y<sup>u</sup> shall hereafter heer. If I may be usefull  
"to anythinge, God can preserve me for it; *if otherwise,*  
"*and that my labours be at an end, he that disposes that*  
"*will make me readie for himselfe,* whom we doe serve in  
"all thinges, and to whom an infinit debt is oweinge by  
"all men, but above all by me, y<sup>r</sup> frend and brother,  
"J. E." †

Two more letters are the last that remain to us. They are addressed to Hampden; who, the day before

\* MSS. at Port Eliot: "Tower, 21 Marcij 1631" (2).

† MSS. at Port Eliot: "Tower, 22 Marcij 1631" (2).

that letter to Knightley was written, had sent excuses and self-reproaches for having been silent longer than was usual with him. He prayed his "NOBLE SIR" to pardon him. It was well for him that letters could not blush, else his guilt would easily be read on that page. He was ashamed of so long a silence, and knew not how to excuse it; for as nothing but business could speak for him, of which kind he had many advocates, so could he not tell how to call any business greater than holding an affectionate correspondence with so excellent a friend. His only confidence was, he pleaded at a bar of love, where absolutions were much more frequent than censures. Sure he was that conscience of neglect did not accuse him, though evidence of fact did. He would have added more; but the entertainment of a stranger-friend called upon him, and one other inevitable occasion. "Hold mee excused, therefore, deare friend! and if you vouchsafe mee a letter, let mee beg of you to teach me some thrift of time, that I may employ more in your service, who will ever be your faithful servant and affectionate friend, JO. HAMPDEN. Commend my service to y<sup>e</sup> soldier [Richard] if not gone to his colours." \*

Well might Hampden be confident that it was a bar of love he pleaded at. With eager haste, the day after that letter, Eliot assured his "DEAR FRIEND" that what he might command he needed not to sue for. "Me yo" have certaynly as y<sup>r</sup> owne, and whether to be imployed "in censure or absolution, convertible to y<sup>r</sup> will." But mercy was more covenable than judgment with a prisoner, whose condition being obnoxious to disfavor could not love it. In his friend, however, there was no occasion for that doubt, all being courtesy that came from him; and where there was no debt due, there was no injury. "I

\* This letter is in the British Museum (Donat. MSS. 2228). It is dated "Hampden, March 21" (1631-2), and addressed "To my honnored and deare friend S<sup>r</sup> John Eliott at his lodging in the Tower."

" knowe y<sup>r</sup> many entertaynments and small leasure, and  
 " myselfe unworthy to interrupt the least particular of  
 " y<sup>r</sup> thoughts. It satisfies mee to have the assurance of  
 " y<sup>r</sup> friendship, and, *when it was allowable*, that I had  
 " the fruition of y<sup>r</sup>selfe." But, while he thus resigned  
 himself to the harsh exclusion of his friends, he the more  
 desired their thoughts for companionship of his prison;  
 and upon this he has " a little to expostulate " with  
 Hampden's memory. He conceived that in all things  
 he was not just, though, saving his own word, no obligation  
 was upon him. He had an expectation of certain  
 papers his friend was to have sent him, and which his  
 own promise invited, but which yet he heard not of.  
 " Quit you in this as speedilie as y<sup>u</sup> can, for w<sup>th</sup>out it  
 " you are faultie. I thanke God lately my businesse  
 " has beene much with doctors and physitians,\* so that  
 " but by them I have had little trouble with myselfe.  
 " These three weeks I have had a full leisure to do nothing,  
 " and strictly tied unto it either by their direction or  
 " my weakness. The cause originally was a could, but  
 " the symptoms that did follow it spake more sickness;  
 " and a generall † indisposition it begot in all the faculties  
 " of the bodie. The learned said a consumption did  
 " attend it, but I thank God I did not feele or credit it.  
 " What they advise, as the ordinance that's appointed,  
 " I was content to use; and in the true shew of ‡ patient,  
 " suffered whatever they imposed. Great is the autho-  
 " rity of princes, but greater much is theirs who both  
 " command our persons § and our wills. What the  
 " success of their government wilbe || must be referred  
 " to Him that is master of their power. I finde myself

\* Mr. D'Israeli has printed very incorrectly the closing sentences of this letter, beginning "lately my business." He omits "and phytician-," and inserts a second "but" in the first line: "but by them I have had *but*," &c.

† For "and a generall," Mr. D'Israeli prints "*a gradual*."

‡ "In the *time I was a patient* : *Id.* § "*Furjes*" (!) : *Id*

|| "Their government *will*s must" : *Id.*

"bettered, though not well, which makes me the more  
"readie to obferve them. The diuine bleffing muft  
"effectuate their wit, which authors all the happineffe  
"we receave.\* It is that mercie † that has hitherto  
"protected me, and, if I may feeme ufeull in his  
"wifdome,‡ will continue me, amongft other offices§ to  
"remayne your faithfull friend and feruant, J. E."¶

Hampden's reply unhappily is loft. But the affectionate folitude awakened in him by what his friend had written, and his anxiety at once to hear again, are reflected in every line that Eliot wrote back after an interval of only feven days. It is his laft letter. Its words of hope and faith are the laft we are to hear from him. With it his correffpondence ends; and his prifon doors, except for fuch cafual rumours as may yet efcape them, will fhut againft us for ever. What remains of the ftory of his imprifonment, up to its very clofe, muft be matter of mere doubt and conjecture. But at leaft the certainty conveyed in thefe folemn yet joyful affurances to Hampden, cannot pafs away. What further cruelties or wrongs have to be endured by Eliot, will never now be known to us; but ever, out of the darknefs and filence, will arife and be audible to the laft, not complaining or forrow, but only this martyr-fong of thankfulness and praife.

"Besides the acknowledgment of your favour that have fo much compaffion on your friend, I have little to return you from him that has nothing worthy your acceptance but the conteftation that I have between an ill bodie and the aer, that quarrell, and are friends, as the funne or winde¶ affect them. I have thefe three daies been abroad, and as often brought in new impreffions of the colds, yet both in\*\* ftrength

\* The laft feven words omitted: Mr. D'Iſraeli. † "*Medicine*:" *Id.*

‡ The laft eight words omitted: *Id.*

§ "*Affairs*:" *Id.*

¶ MSS. at Port Eliot: 22nd March, 1631 (2).

¶ Mr. D'Iſraeli has printed this letter incorreſtly throughout, and with extraordinary omiffions, the moſt marked inſtances of which have been given in a former page (i. 12.), and will not here be repeated. But ſuch as were not then indicated will now be pointed out. "The funne or winde" he turns into "the *ſummer winds*."

\*\* "*Body and*": *Id.*



"and appetite I finde myself bettered by the motion. Could at first  
 "was the occasion of my sickness, heat and tenderneſſe by cloſe keep-  
 "inge in my chamber has ſince increaſt my weakneſſe. Aer and exerciſe  
 "are thought moſt proper to repaire it, which are the preſcription of  
 "my Doctōrs, though noe phyſick. I thank God other medicines I now  
 "take not, but thoſe catholicons, and doe hope I ſhall not need them.  
 "As children learne to go, I ſhall get acquainted with the aer. Practice  
 "and uſe will compaſſe it, and now and then a fall is an inſtruction for  
 "the future. Theſe varieties He does trie us with, that will have us  
 "perfect at all parts; and as He gives the trial, He likewiſe gives the  
 "iſſue. The abilitie that ſhall be neceſſary for the worke He will  
 "ſupplie that does command the labour, who, deliveringe from the Lion  
 "and the Bear, has the Philiftine alſo at the diſpoſition of his will, and  
 "thoſe that truſt him under his protection and defence.\* O! the in-  
 "finite mercy of our Maſter, DEARE FRIEND, how it abounds to us, that  
 "are unworthy of His ſervice! How broken! how imperfect! how  
 "perverſe and crooked are our waies in obedience to him! how exactly  
 "ſtraight is the line of his providence unto us, drawn out through all  
 "occurrences and particulars to the whole length and meaſure of our  
 "time! How perfect is his love that has given his Sonne unto us, and  
 "with him has promiſed likewiſe to give us althings! Thoſe that relieve  
 "us but in part, we honor and eſteeme; thoſe that preſerve and ſave us  
 "from any danger or extremity, we have in veneration and admire;  
 "naie, even for thoſe that moraliie are good, from whom there comes  
 "ſome outward benefit and advantage, it's ſaid ſome men dare dye.  
 "How ſhould we then honor and admire ſoe good a God and Saviour,  
 "by whom we are, by whom we have althings wee poſſeſſ, who doe  
 "relieve our wants, ſatiſſie our neceſſities, prevent our dangers, free us  
 "from all extremities, naie, to preſerve and ſave, that died himſelf for  
 "us! What can we render, what retribution can we make, worthy ſoe  
 "great a majeſtie, worthy ſuch love and favour? We have nothing but  
 "ourſelves, who are unworthy above all; and yett that, as all other  
 "things, is his. For us to offer up that, is but to give him of his owne,  
 "and that in farr worſe condition than we at firſt received it, which  
 "yet (ſoe infinite is his goodneſſe for the merits of his Sonne) he is con-  
 "tented to accept. This, DEAR FRIEND, muſt be the comfort of his  
 "children; this is the Phyſicke we muſt uſe in all our ſickneſſe and  
 "extremities; this is the ſtrengthening of the weake, the enriching of  
 "the poore, the libertie of the captive, the health of the diſeaſed, the  
 "life of thoſe that die, the death of that wretched life of ſin! And this

\* By omiſſions, miſprinting, and miſpointing, the moſt wonderful man-  
 ſeſe is made of this by Mr. D'Iſraeli: e. g. "As He gives the trial, He like-  
 "wiſe gives the ability that ſhall be neceſſary for the worke He will ſup-  
 "plie that does command the labour, ~~whoſe~~ deliveringe from the Lion and the  
 "Bear, has the Philiftine alſo," &c. &c.

"happinefs have his faints. The contemplation of this happinefs has ledd me almoft beyond the compaffe of a letter; but the haft I use unto my friends, and the affection that does move it, will I hope excufe me. Friends fhould communicate their joyes: this, as the greateft, therefore,\* I could not but impart unto my friend, being therein moved by the prefent speculation† of your letters, which alwaies have the grace of much intelligence, and are a happinefs to him that is trulie your's, J. E." ‡

Air and exercife were the prefcription of his doctōrs; while for the one he had his smoaky room, and for the other was limited to his walk within the Tower. But it is idle to fpeculate in the abfence of certain knowledge. From the 29th of March on which that letter was written, until the courts opened at Michaelmas term in the firft week of the following October, there is an impenetrable blank in Eliot's hiftory. The probabilities indeed are too ftrong to be refifted, that not only in this interval of more than fix months were the cheerlefs difcomfort of his lodging and the reftriction of the vifits of his friends continued, but that a total fufpention of his correffpondence was alfo forced upon him. Yet his friends were too much devoted to him, and among them were men of too lofty ftation, to permit us to believe that in all this time, abfolute and uncontrolled as the court and council were, they could have kept fuch men entirely ignorant of the treatment or fate of fuch a prifoner. As to this, with varying report of his health, they were probably informed from time to time; and as to all elfe, powerlefs to remedy or abate the wrong, they were doubtlefs fain to be content that at leaft there ftill was life, fome hope however defperate, and the certainty that foon or late a parliament *muft* come. "I fhould gladly heare fome cheerful news of Sir John Eliot," wrote Richard James, as the months went on. "Will the tide never turn? Then God fend us heaven at our laft end!"

\* *Thereof*: Mr. D'Iſraeli.

† "*Expectation*," *Id.*

‡ MSS. at Port Eliot: "Tower, 29 Marcij 1632."

"Not without suspicion of foul play," wrote Ludlow in after years, "Sir John Eliot died in his prison." That such a thought had taken possession of the minds of Hampden and Pym, appears to be beyond a doubt. The first thing they did upon the meeting of the Short Parliament in April 1640, was to move for a committee to examine after what manner "Sir John Eliot came to "his death, his usage in the Tower, and to view the "rooms and places where he was imprisoned, and where "he died, and to report the same to the house." These matters formed the subject also of one of the most terrible passages in the Grand Remonstrance; and Eliot's name and sufferings continued watchwords to the leaders of the struggle, long after the war was raging, and when old friends once so dear to him, such as Hampden and Grenville, stood arrayed on opposite sides. But other "foul play" to their old associate than has been witnessed, there is no ground for suspecting, and there was small need to have resorted to. The blunder would have been worse than the crime. It was known that he had been struck by a disease engendered by the unhealthy atmosphere of his prison; that without a change of air and scene this disease was necessarily fatal; and not only was he left without such change, but the rigour of his imprisonment was increased, comforts he had enjoyed were taken from him, the society of his friends was interdicted, and he was left to die. No one could say that such a death was not perfectly natural. Nor does it seem that his books or his writing materials were at any time withdrawn from him. We must accept the completed papers found in his room at the Tower as on the whole satisfactory evidence to this point. It further appears that permission of access to the Tower for his eldest son\* was certainly granted by the council at

\* This young man was afterwards hero of the adventure described *ante* (i. 19-20). He ran away with the daughter of Sir Daniel Norton, and incurred thereby a fine of 2,000*l.* in the court of wards. The doubt as to

the close of autumn ; and that the youth, who had then recently arrived from the continent, was permitted to enjoy this access to the very end. It was the state in which he found his father at his arrival that led to the step by which we obtain authentic glimpse of him once more.

On the second Tuesday in October, his old and trusted counsel, Robert Mason of Lincoln's-inn, appearing for the friends and the son of Sir John Eliot, moved the judges of the king's bench on his behalf, that whereas the doctors were of opinion he could never recover of his consumption until such time as he might breathe in purer air, their lordships would for some certain time grant him his enlargement for that purpose. Richardson had now Hyde's seat, having left the chief justiceship of the pleas to Heath ; and Mr. Pory, writing to Lord Brooke on the 25th of October, describes the result of Mason's application. " Whereunto my lord chief justice Richardson answered, " that, although Sir John were brought low in body, " yet was he as high and lofty in mind as ever ; for he

Richard, expressed in my note on that earlier page, has been since confirmed by discovery of a draft petition presented by John Eliot to the house of commons, in which he appeals against being called upon to serve the office of high sheriff of Cornwall for which his name had been pricked, on the ground of inability to defray its charges by reason of his losses by his father's sufferings. " Whose estate, to which he is both heir and executor, " was left him w<sup>th</sup> above 17,000*l.* ingagem<sup>t</sup> on it, w<sup>ch</sup> has since been aggravated by his total loss of it for fower yeares together with his stock, " seized on by the cavilliers onely for his adhering to the parliam<sup>t</sup>. And " whereas, in consideration of my father's, and my own suffering in the " court of wards, the house was formerly pleased to vote me 5,000*l.* and 2,000*l.* " of which I have not reaped the fruit ; the 5,000*l.* being not soe much " as ascertained whence to be paid ; yo<sup>r</sup> petitioner," &c. &c. It seems certain from this that the sum voted in compensation of Eliot's sufferings was never really paid. This eldest son sat in the long parliament and its successors ; and in another petition, of which also a copy remains at Port Eliot, he expresses his conviction that the justice to his father's memory would not have been delayed " had not the parliament received that greate interruption in 1648." But though the poverty rather than the will of the commons may have intercepted their discharge of the debt, the memory of Eliot never seems to have lost its hold upon certain of the leaders. One of the first acts of the Council of State after their resumption of power upon the death of Cromwell, was to give to John Eliot the Vice-Admiralty of which his father had been so unjustly deprived : their minute for this purpose, dated 1659, bearing the signature of Rushworth.

"would neither submit to the king nor to the justice of that court. In fine it was concluded by the bench to refer him to the king by way of petition."

It seems to have been on this refusal that Eliot, conscious of the close now fast approaching, took a resolve which brought indeed into vivid contrast his lowness of body and loftiness of mind, and flashed out all the old untameable spirit from the worn and exhausted frame. To the end that a likeness might be preserved of him in the condition to which he had been brought by his imprisonment, he sent for a painter to the Tower. He was to paint him exactly as he was; his friends, so long denied access to him, were to see again the familiar face as the last few months had changed it; and his family were to keep the picture on the walls at Port Eliot "as a perpetual memorial of his hatred of tyranny." So the tradition has been preserved, from generation to generation of his descendants; and so to this day the picture has remained, side by side on those walls with the portrait described\* on a former page as representing him in the days when he led the lower house in the greatest of all the parliaments that England had seen in her history.

Both portraits have been engraved for this book by the permission of Lord St. Germans. Different as at the first glance they seem, to a close examination the faces are the same. There is the same refinement of expression in both; the same shape of features, the ample breadth of forehead, the width of the upper lip, and the grave decision and composure of mouth; and in both the same full bright eyes, in whose luminous depths seem to lie all the force and all the tenderness of his character. But

\* *Ante*, 348. Of the later portrait Mr. D'Iraeli says (*Comm.* i. 335): "Of the singular portrait of Sir John Eliot, the late Mr. Bellamy had informed me, representing the portrait with 'a comb in his hand,' in which some mysterious allusion to his neglected state had been imagined. More particularly as Sir John had desired his posterity to preserve this very portrait as 'a perpetual memorial of his hatred of tyranny.' The early portrait was first engraved many years ago, at my request to the late Earl; this more striking portrait is now engraved for the first time.

the florid colour of his manhood has changed in the later picture to the ghastly paleness of death. The cheeks are worn and haggard; and the hair and beard, arranged in the earlier portrait with scrupulous care, are in the later cut close, neglected, and dishevelled. The comb held in the hand was probably so far intended to allude to this, as to imply that he had of late received no service in such matters but that which he could render to himself; and though its introduction may be thought to show a questionable taste in the artist, he has otherwise executed his work with singular truth and reality. It is incomparably the best of the two pictures. The morning gown of lace worn by the dying patriot, and which doubtless now was his ordinary habit as he lay in bed or on his couch, is painted in all its curious abundance of richly-worked ornament with a surprising and exquisite minuteness; and in the body of the canvas, immediately below the right arm of the figure, stand out boldly these words in the letters of the time—SIR JOHN ELIOT. PAINTED A FEW DAYS BEFORE HIS DEATH IN THE TOWER. A.D. 1632.

What happened in those "few days" we learn indirectly through Lord Cottington, one of the courtiers now eagerly waiting for the news that should tell them their great enemy was gone. As long ago as the 18th of October, immediately after the refusal by the judges of Mason's application and their reference of it to the king, the same minister and councillor, at this time high in Charles's favour, had sent over an exulting message to Wentworth then newly gone to govern Ireland, that "his old dear friend Sir John Eliot was very like to "die;" and, with this full knowledge and expectation at the court, the reference of the judges went before the king. Its issue is now to be related on the same high authority. I give it as the newswriter gives it; told so simply, and with an effect so deeply pathetic, that a relation in any other words would do it less than justice.

Mr. Pory writes to Lord Brooke: "A gentle  
 " not unknown to Sir Thomas Lucy, tolde mee from  
 " Lord Cottington's mouth, that Sir John Elyotts  
 " maner of proceeding was this. Hee first prese  
 " a petition to his Ma<sup>ty</sup> by the hand of the Lieute  
 " his keeper, to this effect. *Sir, your Judges*  
 " *comitted mee to prison here in yo<sup>r</sup> Tower of Lo*  
 " *where, by reason of the quality of the ayer, I am )*  
 " *into a dangerous disease. I humbly beseech your*  
 " *you will comaund your Judges to set me at liberty,*  
 " *for recovery of my health I may take some fresh*  
 " *Ec. Ec.* Whereunto his Ma<sup>tie's</sup> answer was, it  
 " not humble enough. Then Sir John sent an  
 " petition by his own sonne to the effect following.  
 " *I am heartily sory I have displeased your Ma<sup>ty</sup>.*  
 " *having soe said, doe humbly beseech you, once agai*  
 " *sett me at liberty, that, when I have recovered my h*  
 " *I may returne back to my prison, there to undergoe*  
 " *punishment as God hath allotted unto me, Ec.*  
 " Upon this the Lieu<sup>t</sup> came and expostulated with  
 " saying it was proper to him, and comon to none  
 " to doe that office of delivering petitions fo  
 " prisoners. And if Sir John, in a third petition, v  
 " humble himselfe to his Ma<sup>tye</sup> in acknowledging his  
 " and craving pardon, hee would willingly deliver it  
 " made no doubt but he should obtaine his liberty.  
 " this, Sir John's answer was,—*I thanke you (Sir) for*  
 " *friendly advise: but my spirits are growen feeble Ec.*  
 " *w<sup>ch</sup> when it shall please God to restore unto their j*  
 " *vigour, I will take it farther into my consideration.*

\* Harleian MSS. 1 (Brit. Mus.) 7,000, fol. 186: 13th Decembe  
 Mr. D'Iraeli's remark on this is too curiously perverse to be o  
 "Thus it appears that this uncompromising spirit perished in a  
 "from"—not the cold and unrelenting cruelty of Charles, Mr. D'  
 hero, but from—"a haughty delicacy on his side at the punctili  
 "terference of the official man, who probably felt little sympathy  
 "illustrious prisoner, and who appears to have aimed at humiliat  
 "elevated mind of the patriot by reiterated humble petitions." C  
 taries, i. 324. Pory's letter on the next page is dated 15th Nov.

It was not God's pleasure that they should ever be restored. He was now reclaiming to Himself that good and faithful servant, whose work on the earth was done. The same newswriter describes in another letter his meeting with Sir John Eliot's attorney in St. Paul's church-yard, on the night of the 12th of November, and hearing from him that he had been that morning with Sir John in the Tower, and found him so far spent with consumption as he was not like to live a week longer. He lived fifteen days. It was not until the 27th of November 1632 that the welcome tidings could be carried to Whitehall that Sir John Eliot was dead. He had passed away that morning, in his forty-third year.

But revenges there are which death cannot satisfy, and natures that will not drop their hatreds at the grave. The son desired to carry his father's remains to Port Eliot, there to lie with those of his ancestors; and the king was addressed once more. The youth drew up a humble petition that his majesty would be pleased to permit the body of his father to be carried into Cornwall, to be buried there. "Whereto was answered at the foot of the petition, *Lett Sir John Eliot's body be buried in the Church of that parish where he dyed.* And so "he was buried in the Tower."

No stone marks the spot where he lies, but as long as Freedom continues in England he will not be without a monument.





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THE END.

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